

Register

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Title 3—The President

PROCLAMATION 4309

Women's Equality Day, 1974

By the President of the United States of America

A Proclamation

On August 26th, 1920, American women finally gained the right to vote when the Nineteenth Amendment was certified as part of our Constitution.

Today, fifty-four years later, the women of America are actively participating in and contributing to all aspects of our economic, social and political life. Many obstacles on the road to equal opportunity have been removed as legislative and executive actions have helped to reduce sex discrimination in education, training and employment. Special efforts have been made in the Federal Government, so that women now contribute more fully than ever before to the formulation and execution of public policy.

But although we as a Nation have come a great distance since 1920, we still have a great distance to go. In 1970, on the floor of the House, I said that the Equal Rights Amendment to the Constitution was an idea whose time had come. Today I want to reaffirm my personal commitment to that amendment. The time for ratification of the Equal Rights Amendment has come just as surely as did the time for the 19th Amendment.

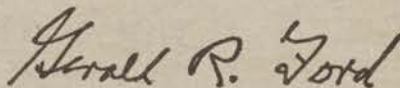
As 1975 approaches, widely proclaimed as International Women's Year, Americans must deal with those inequities that still linger as barriers to the full participation of women in our Nation's life. We must also strengthen and support laws that prohibit discrimination based on sex.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby call upon all Americans to observe August 26, 1974, as Women's Equality Day, with appropriate ceremonies and activities. I further urge Americans to consider the essential role of women in our society and their contribution to our economic,

THE PRESIDENT

social and political well-being. As a Republic dedicated to liberty and justice for all, this Nation cannot deny equal status to women.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of August, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

A handwritten signature in dark ink, reading "Gerald R. Ford". The signature is written in a cursive style with a large, stylized "G" and "F".

[FR Doc.74-19835 Filed 8-23-74;9:43 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1972-73 and Subsequent Marketing Years

On pages 24022 and 24023 of the FEDERAL REGISTER (39 FR 24022) of June 28, 1974, there was published a notice of proposed rulemaking to amend the regulations pertaining to the determination of tobacco allotments and marketing quotas, lease and transfer of farm acreage allotments, the collection of penalties, the marketing of tobacco, and the records and reports incident thereto for fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco. Interested persons were given until July 15, 1974, in which to submit data, views, or recommendations. No data, views, or recommendations were received in response to the notice. The amendment to the regulations shall become effective August 23, 1974.

The proposed amendment to the regulations is hereby adopted with the addition of the effective date and authority clause. The amendment to the regulations is as follows:

1. Section 724.51(k) is amended to read as follows:

§ 724.51 Definitions.

(k) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided*, That the floor sweepings above the pounds determined by multiplying the total first sales of tobacco at auction for the season for the warehouse by the percentage below shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchased for the warehouse leaf account shall not be included in determining total producer first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

Kind of Tobacco	Percentage
Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured.	0.02 (two hundredths of 1 percent).

2. Section 724.52(b) is amended to read as follows:

§ 724.52 Extent of determination, computations, and rule of rounding fractions.

(b) *Allotments.* Farm acreage allotments shall be rounded to hundredths of acres in accordance with the provisions of Part 793 of this chapter.

3. Section 724.62(b) (2) is amended to read as follows:

§ 724.62 Determination of acreage allotments for new farms.

(b) *Eligibility requirements for operator.* * * *

(2) *Interest in another farm.* The farm operator shall not own or have an ownership interest in, or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

4. In § 724.70, the last two sentences of paragraph (a) (1) are amended to read as follows:

§ 724.70 Transfer of Fire-Cured, Dark Air-Cured and Virginia Sun-Cured tobacco allotment by lease, sale, or by owner under section 313 of the Act.

(a) *Person eligible to file a record of transfer (Form ASCS-375)* (1) *Sale or Lease.* * * * The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS 375 for the required signature. In the case of a permanent transfer, a statement signed by all parties to the transaction confirming that the sale has been made shall be filed with the county committee.

5. Section 724.88 is amended by adding paragraph (f).

§ 724.88 Rate of penalty.

(f) (1) *The 1973-74 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture for the 1973-74 marketing year was:

AVERAGE MARKET PRICE	Cents per pound
Kind of tobacco:	
Fire-Cured (type 21)	75.5
Fire-Cured (types 22, 23, 24)	71.7
Dark Air-Cured	61.9
Virginia Sun-Cured	69.2
Cigar-Filler and Binder (types 42, 43, 44, 53, 54, and 55)	59.1
Cigar-Binder (types 51 and 52)	72.8

(2) *1974-75 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1974-75 marketing year shall be:

RATE OF PENALTY	Cents per pound
Kinds of tobacco:	
Fire-Cured (type 21)	57
Fire-Cured (types 22, 23, 24)	54
Dark Air-Cured	46
Virginia Sun-Cured	52
Cigar-Filler and Binder (types 42, 43, 44, 53, 54, and 55)	44
Cigar-Binder (types 51 and 52)	(1)

¹ Quotas terminated for 1974 crop.

6. In § 724.90(d) the last sentence is amended to read as follows:

§ 724.90 Penalties considered to be due from warehousemen, dealers, buyers, and other excluding the producer.

(d) *Leaf account tobacco.* * * * The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season determined by multiplying the limitation set forth in § 724.51(k) by total first sales at auction, excluding warehouse leaf account purchases, for Fire-Cured, Dark Air-Cured and Virginia Sun-Cured tobacco.

7. In § 724.95, paragraph (h) (1) is amended to read as follows:

§ 724.95 Producer's records and reports.

(h) Report of production and disposition.

(1) the total harvested acres . . .

8. Section 724.104(a) is amended to read as follows:

§ 724.104 Examination of records and reports.

(a) Examination. For the purpose of ascertaining the correctness of any report made or record kept or of obtaining information required to be furnished, in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of Investigation and Office of Audit, Program Operations Division and Tobacco and Peanuts Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, canceled checks, check registers, check stubs, correspondence, contracts, documents, warehouse bill-out invoices, or daily summary journal sheet, and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

AUTHORITY: The provisions of this subpart issued under secs. 301, 313, 314, 316, 318, 363, 372-375, 377, 378, 52 Stat. 38 as amended, 47 as amended, 48 as amended, 75 Stat. 469 as amended, 81 Stat. 120, as amended, 52 Stat. 63 as amended, 65 as amended, 66 as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1313, 1314, 1314b, 1314d, 1363, 1372-1375, 1377, 1378.

Effective date: August 23, 1974.

Signed at Washington, D.C. on August 19, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 74-19738 Filed 8-23-74; 8:45 am]

[Amdt. 1]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco Acreage Allotment and Marketing Quota Regulations, 1973-74 and Subsequent Marketing Years

On pages 24023 and 24024 of the FEDERAL REGISTER (39 FR 24023) of June 28, 1974, there was published a notice of proposed rulemaking to amend the regulations pertaining to the determination of acreage allotments and marketing quotas, the issuance of marketing cards, the

identification of marketings of tobacco, the collection of penalties, and the records and reports incident thereto for flue-cured tobacco. Interested persons were given until July 15, 1974, in which to submit data, views, or recommendations. No data, views, or recommendations were received in response to the notice. The amendment to the regulations shall become effective August 23, 1974.

The proposed amendment to the regulations is hereby adopted with the addition of the effective date and authority clause. The amendment to the regulations is as follows:

1. The Table of Contents is amended by revising § 725.109 to read as follows:

725.109 Duties of Kansas City ASCS Data Systems Field Office.

2. Section 725.51(p) is amended to read as follows:

§ 725.51 Definitions.

(p) Floor sweepings. The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided*, That the floor sweepings above the pounds determined by multiplying 0.50 (five-tenths of 1 percent) percentage times the total first sales of tobacco at auction for the season for the warehouse shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchased for the warehouse leaf account shall not be included in determining total producer first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

3. Section 725.53(b) is revised to read as follows:

§ 725.53 Extent of determinations, computations, and rule for rounding fractions.

(b) Allotments. Farm acreage allotment shall be rounded to hundredths of acres in accordance with the provisions of Part 793 of this chapter.

4. Section 725.69(b) (2) is revised to read as follows:

§ 725.69 Determination of acreage allotments for new farms.

(b) Eligibility requirements for operator.

(2) Interest in another farm. The farm operator shall not own or have an ownership interest in, or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

5. In § 725.72, the last sentence of paragraph (c) (3) is amended and a new

paragraph (r) is added to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

(c) Filing and approval of transfer agreement.

(3) . . . The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS-375 for the required signature.

(r) Zero marketing quota farms. If the farm marketing quota for a farm for the current crop year is reduced to zero for a violation of the tobacco marketing quota regulations, no marketing quota may be transferred to such farm for the current crop year.

6. In § 725.87, paragraph (d) is revised and paragraph (1) is deleted.

§ 725.87 Issuance of marketing cards.

(d) Farms not eligible for price support. The marketing card issued for a farm shall have the notation "No Price Support" where either of the following conditions exist:

(1) The producer fails to certify the flue-cured tobacco acreage on the farm as provided in Part 718 of this chapter.

(2) Tobacco is produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco.

(3) The county committee has determined that the tobacco was treated with DDT or TDE after being transplanted in the field or after being harvested from the farm.

(1) [Deleted]

7. Section 725.92(b) is amended by adding "1973-74" in the average market price data table in subparagraph (1) and "1974-75" in the penalty data table in subparagraph (2) to read as follows:

§ 725.92 Rate of penalty.

(b) (1) Average market price. The average market price as determined by the Crop Reporting Board for the marketing year specified was:

AVERAGE MARKET PRICE	
Marketing year:	Cents per pound
1972-73	85.3
1973-74	88.1

(2) Rate of penalty per pound. The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing year specified shall be:

RATE OF PENALTY	
Marketing year:	Cents per pound
1973-74	64
1974-75	66

8. The last sentence in § 725.94 (c) is amended to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

(c) Leaf account tobacco. * * * The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floor sweepings for the season determined by multiplying the limitation set forth in § 725.51 (p) by the total first sales at auction excluding warehouse leaf account purchases.

9. In § 725.98, paragraph (f) (1) is amended to read as follows:

§ 725.98 Producer's records and reports.

(f) Report of production and disposition. * * *

(1) The total harvested acres * * *

§ 725.99 [Amended]

10. In § 725.99, subdivision (xvii) of paragraph (a) (4), the reference to "Kansas City Data Processing Center (KCDPC)" is changed to "Data Systems Field Office (DSFO)" and in paragraph (d) (2), the reference to "KCDPC" is changed to "DSFO".

§ 725.102 [Amended]

11. Section 725.102 is amended by changing the reference made to "March 1" to "February 1" in the first sentence of paragraph (b).

12. Section 725.109 will be revised to read as follows:

§ 725.109 Duties of Kansas City ASCS Data Systems Field Office.

Numerous recordkeeping and reporting provisions required by these regulations are the responsibility of the Kansas City ASCS Data Systems Field Office (also referred to as DSFO). The duties of DSFO are set forth in writing in frequent issuance of internal procedures.

13. Section 725.110 will be revised to read as follows:

§ 725.110 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or for obtaining the information required to be furnished, in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of Investigation and Office of Audit, and of the Program Operations Division and Tobacco and Peanuts Division of the Agricultural Sta-

bilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer, adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, warehouse bill-out invoices or daily summary journal sheet, the tissue copy of Form MQ-72-1, Report of Tobacco Auction Sale, journal of producer marketing cards retained at warehouse and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

§ 725.116 [Revoked]

14. Section 725.116, 1973-74 Marketing year disaster transfers by lease, is hereby revoked.

AUTHORITY: Section 301, 313, 314, 316, 317, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48 as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65-66, as amended, 72 Stat. 995; section 401, 63 Stat. 1054, as amended, sections 106, 112, 125, 70 Stat. 191, 195, 198, as amended, section 16(e), 76 Stat. 606; (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372-1375, 1377, 1378, 1421, 1813, 1824, 1836), (16 U.S.C. 590p(e)).

Effective date: August 23, 1974.

Signed at Washington, D.C. on August 19, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 74-19737 Filed 8-23-74; 8:45 am]

[Amdt. 4]

PART 726—BURLEY TOBACCO

Subpart—Burley Tobacco Marketing Quota Regulations, 1971-72 and Subsequent Marketing Years

On pages 24024 through 24026 of the FEDERAL REGISTER (39 FR 24024) on June 28, 1974, there was published a notice of proposed rulemaking to amend the regulations pertaining to the determination of farm marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection of penalties, and the records and reports incident thereto. Interested persons were given until July 15, 1974, in which to submit data, views, or recommendations. No data, views, or recommendations were received in response to the notice. The amendment to the regulations shall become effective August 23, 1974.

The proposed amendment to the regulations is hereby adopted with the addition of the effective date and authority clause. The amendment to the regulations is as follows:

1. The Table of Contents is amended by revising § 726.100 to read as follows:

726.100 Duties of Kansas City ASCS Data Systems Field Office.

2. Section 726.51(n) is amended to read as follows:

§ 726.51 Definitions.

(n) Floor sweepings. The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided*, That the floor sweepings above the pounds determined by multiplying 0.0024 by the total first sales of tobacco at auction for the season for the warehouse shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchased for the warehouse leaf account shall not be included in determining total producer first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

3. Section 726.65(b) (2) is amended to read as follows:

§ 726.65 Determination of marketing quotas for new farms.

(b) Eligibility requirements for operator. * * *

(2) Interest in another farm. The farm operator shall not own or have an ownership interest in, or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

4. Section 726.68 is amended by changing the last sentence of paragraph (e) and adding a new paragraph (x).

§ 726.68 Transfer of burley tobacco from marketing quota by lease or by owner.

(e) Record of transfer on ASCS-375. * * * The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS-375 for the required signature.

(x) Approval of leases for pyramiding quota prohibited. The county committee shall not approve a lease and transfer to a farm where it is determined that the primary purpose of the transfer is to pyramid the quota on the farm (pyramiding for the purpose of this subparagraph means leasing to and from the farm for a period of 2 or more years to protect and increase the quota with no satisfactory evidence of plans for producing the quota during such period).

§ 726.81 [Amended]

5. Section 726.81 is amended by revising paragraph (g).

6. Section 726.86(c) is amended by adding "1973-74" in the average market price data table in subparagraph (1) and "1974-75" in the penalty data table in subparagraph (2) to read as follows:

§ 726.86 Rate of penalty.

(c) (1) Average market price. The average market price as determined by

the Crop Reporting Board for the marketing year specified was:

AVERAGE MARKET PRICE

Marketing year:	Cents per pound
1970-71	72.2
1971-72	80.9
1972-73	79.2
1973-74	92.9

(2) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing year specified shall be:

RATE OF PENALTY

Marketing Year:	Cents per pound
1971-72	54
1972-73	61
1973-74	59
1974-75	70

7. The last sentence in § 726.88(c) is amended to read as follows:

§ 726.88 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

(c) *Leaf account tobacco.* * * * The actual quantity of floor sweepings which the State executive director determines had been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floor sweepings for the season determined by multiplying the limitation set forth in § 726.51(n) by the total first sales at auction excluding warehouse leaf account purchases.

8. In § 726.92, the second sentence of paragraph (e) is amended to read as follows:

§ 726.92 Producer's records and reports.

(e) *Report of production and disposition.* * * * The operator on each farm or any producer on the farm (even though no quota was established for the farm) shall, upon written request on Form MQ-108-1 from the county committee, within 15 days after deposit of such request in the United States mail, addressed to such person at his last known address, furnish the Secretary on MQ-108-1 a written report of the amount of tobacco produced on the farm which is unmarketed at the end of the marketing season and its location. * * *

§ 726.93 [Amended]

9. In § 726.93, the reference to "Kansas City Data Processing Center (KCDPC)", in the last sentence of paragraph (a) (4) is changed to "Data Systems Field Office (DSFO)", and in paragraph (d) (2) the reference to "KCDPC" is changed to "DSFO".

10. Section 726.100 is revised to read as follows:

§ 726.100 Duties of Kansas City ASCS Data Systems Field Office.

Numerous recordkeeping and reporting provisions required by these regulations are the responsibility of the Kansas City ASCS Data Systems Field Office (also referred to as DSFO). The duties of the center are set forth in writing in frequent issuances of internal procedures.

11. Section 726.101 would be revised to read as follows:

§ 726.101 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining the information required to be furnished, in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of Investigation and Office of Audit, and of the Program Operations Division and Tobacco and Peanuts Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, warehouse bill-out invoices or daily summary journal sheet, the tissue copy of Form MQ-72-1, Report of Tobacco Auction Sale, journal of producer marketing cards retained at warehouse and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

AUTHORITY: (Secs. 301, 312, 313, 314, 316, 318, 319, 362, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 48, as amended, 62, as amended, 75 Stat. 469, as amended, 81 Stat. 120, as amended, 52 Stat. 63, as amended, 65, as amended, 66, as amended, 85 Stat. 23, 70 Stat. 206, as amended, 72 Stat. 995, as amended (7 U.S.C. 1301, 1312, 1313, 1314, 1314b, 1314d, 1314e, 1362, 1363, 1372-1375, 1377, 1378)).

Effective date: August 23, 1974.

Signed at Washington, D.C. on August 19, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 74-19736 Filed 8-23-74; 8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes \$23,748 of Washington Cherry Marketing Commit-

tee expenses, under Marketing Order No. 923, for the 1974-75 fiscal period and fixes the rate of assessment at \$0.60 per ton of cherries shipped outside the production area. Such assessments are to be paid to the committee by each handler as his pro rata share of program expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from fiscal 1973-74 and prior years.

On July 11, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 25516) regarding proposed expenses and the related rate of assessment for the period April 1, 1974, through March 31, 1975, and the carryover of unexpended 1973-74 assessment funds, pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington. The notice allowed interested persons 19 days to submit written data, views, or arguments pertaining to the proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

Section 923.214 is added to read as follows:

§ 923.214 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1974, through March 31, 1975, will amount to \$23,748.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 923.41, is fixed at \$0.60 per ton of sweet cherries.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended March 31, 1974, and prior years shall be carried over as a reserve in accordance with the applicable provisions of § 923.42.

(d) *Terms.* Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of sweet cherries grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cherries handled during the aforesaid period; and (3) such period began on April 1, 1974, and said

rate of assessment will automatically apply to all such cherries beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 20, 1974.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-19686 Filed 8-23-74; 8:45 am]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

**Subpart—Rules and Regulations
Reapportionment of Committee Membership**

This reapportions the Oregon-California Potato Committee members among districts to provide more equitable representation.

Notice of rule making was published in the July 31, 1974, FEDERAL REGISTER (39 FR 27689), regarding the proposed reapportionment of committee membership to be effective under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947). They regulate the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than August 16, 1974. None was filed.

Statement of consideration. This order provides that upon recommendation of the committee the Secretary may reapportion committee membership among the various districts. After carefully considering the criteria in § 947.32(b), the committee, at its June 24-25, 1974, meeting, unanimously recommended the following representation. Each of the five districts into which the production area is divided would have at least one producer member and his alternate. The remaining four producer members and alternates would be allotted among the five districts into which the producing area is divided based upon production of potatoes for fresh market shipment and the total number of growers of potatoes residing in the district. No change was recommended in the handler representation.

Findings: After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that § 947.160 should be revised and that such revision will tend to effectuate the declared policy of the act. § 947.160 is revised to read as follows:

§ 947.160 Reapportionment of committee membership.

(a) Pursuant to § 947.32(b), the membership of the Oregon-California Potato Committee shall be apportioned among the districts so as to provide the following representation: (1) Producer membership—two members from each of Districts No. 2 and No. 5; three members from District No. 4; and one member from each of Districts No. 1 and No. 3; (2) Handler membership—one member from each of Districts No. 1, No. 2, No. 3, No. 4, and No. 5. The respective alternates shall be selected on the same basis of representation as the members.

(b) Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 20, 1974; to become effective October 1, 1974.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-19685 Filed 8-23-74; 8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs. 1974-Crop Peanut Farm-Stored Loan and Purchase Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974-Crop Farm-Stored Peanut Loan and Purchase Program

On page 27937 of the FEDERAL REGISTER (38 FR 27937) of October 10, 1973, there was published a notice of proposed rule-making relating to a loan and purchase program for 1974-crop peanuts.

Interested persons were given until October 20, 1973, to submit written comments, suggestions, or objections regarding the proposed program. No written comments, suggestions or objections relating to the farm-stored peanut loan and purchase program were received.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grains and Similarly Handled Commodities (35 FR 7363 and 7761) and any amendments thereto (hereinafter referred to as "the general regulations") and the 1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Supplement (35 FR 12706) and any amendments thereto (hereinafter referred to as "the continuing supplement"), which contain regulations of a general nature with respect to loan and purchase operations, are further supplemented by revising §§ 1421.291-1421.295 to read as follows, effective as to the 1974 crop of peanuts. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Sec.

1421.291 Purpose.
1421.292 Availability.
1421.293 Maturity of loans.
1421.294 Loan and purchase rates.
1421.295 Eligible peanuts.

AUTHORITY: The provisions of this subpart issued under 62 Stat. 1070, as amended (15 U.S.C. 714(b) and (c)); 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421, 1423, 1425).

§ 1421.291 Purpose.

This supplement, together with the applicable provisions of the general regulations and the provisions of the continuing supplement, apply to farm-stored loans and purchases for the 1974 crop of peanuts.

§ 1421.292 Availability.

(a) **Farm-stored loans.** Producers must request a loan on 1974 crop eligible peanuts on or before March 31, 1975.

(b) **Purchases.** Producers desiring to offer eligible peanuts not under loan or purchase must execute and deliver to the appropriate county ASCS office, on or before April 30, 1975, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1974-crop peanuts he may sell to CCC.

§ 1421.293 Maturity of loans.

Unless demand is made earlier, farm-stored loans on farmers' stock peanuts will mature on April 30, 1975.

§ 1421.294 Loan and purchase rates.

(a) **Loan rate.** Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers' stock peanuts placed under farm-stored loan shall be the following rates by types per ton:

Type:	Dollars per ton
Virginia	372
Runner	370
Southeast Spanish	359
Southwest Spanish	356
Valencia (suitable for cleaning and roasting in southwest) ¹	372

¹ The price for all Valencia-type peanuts in the Southeast and Virginia-Carolina areas and for those Valencia-type peanuts in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish-type peanuts in the same area.

(b) **Location adjustment to support prices.** The loan rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers' stock peanuts placed under a farm-stored loan in the States specified where peanuts are not customarily shelled or crushed:

State:	Dollars per ton
Arizona	25
Arkansas	10
California	33
Louisiana	7
Mississippi	10
Missouri	10
Tennessee	25

(c) **Settlement values.** The support prices, premiums, and discounts for use in computing the settlement value, under § 1421.289(b) (2) of the continuing supplement of peanuts acquired by CCC under loan or purchase shall be those specified in § 1446.12 of the 1974-crop peanut warehouse storage loan supple-

ment 39 FR 26715, including the location adjustments specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

§ 1421.295 Eligible peanuts.

In addition to meeting the requirements of § 1421.282 of the continuing supplement, farmers' stock peanuts to be eligible for farm-stored loan and purchase must be free of *Aspergillus flavus* mold as determined by a Federal-State inspector.

This supplement is effective August 26, 1974.

Signed at Washington, D.C. on August 19, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 74-19735 Filed 8-23-74; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 447.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart L—Watershed Loans; Insured Loan Funds

Section 1823.345(a), Subpart L of Part 1823, Title 7, Code of Federal Regulations, (35 FR 15091), is amended to add subparagraph (10) to provide for the use of loan funds for payment of interest during the first years of the loan when full payments are deferred. Loan payments on watershed loans, which are now made with insured funds, may be deferred during the first years until the facility is in full operation and planned revenue is realized. In such cases, interest payments during the deferment period are required by lenders.

In accordance with 5 U.S.C. 553, notice of proposed rulemaking is not being published. Such notice is unnecessary since, although payments on the loan principal will be deferred by lenders, interest payments are required by them from the date of the loan. If watershed loans are to be made, the borrower must be permitted to use loan funds for the payment of interest for a limited time.

As amended, § 1823.345(a)(10) as added will read as follows:

§ 1823.345 Loan purposes and limitations.

(a) *Purposes.* WS loans may be made for the following purposes:

(10) Paying interest installments in connection with loan to be repaid from facility revenue when such installments cannot be deferred until such time as the facility is generating sufficient revenue to be self-supporting. Ordinarily, this will

be limited to an amount sufficient to pay not more than three years' interest after the estimated loan closing date. Funds may be included for interest installments for loans secured by general obligation, assessment, or other tax-based bonds through the period when taxes are available for payment, ordinarily not to exceed two years. Exceptions may be made with prior approval from the National Office.

Effective date. This amendment is effective August 26, 1974.

((5 U.S.C. 301; 16 U.S.C. 1005); delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; EO 10584, 19 FR 8725; EO 10913, 26 FR 510)

Dated: August 9, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 74-19740 Filed 8-23-74; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Classification of Curing Accelerators, and Clarification of Cured Poultry Products

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service, pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.) is amending § 318.7(c)(4) of the Federal meat inspection regulations (9 CFR 318.7(c)(4)) and § 381.147(f)(3) of the poultry products inspection regulations (9 CFR 381.147(f)(3)) to clarify the classification of certain approved substances listed therein based on their functional use, to clarify the name of poultry products in which curing agents are used, and to clarify the basis on which the presence of sodium nitrite in finished poultry product is calculated.

Statement of considerations. On August 12, 1972, the Department published an amendment to the Federal meat inspection regulations (37 FR 16386-16387) to provide for the use of sodium acid pyrophosphate in frankfurters, bologna, knockwurst, and similar cooked products for the purpose of accelerating coloration. As a part of that ruling, the chart of substances in § 318.7(c)(4) of the regulations was amended by providing for a new class of substance named "Cur-

ing accelerators" which was added under the column "Class of substance" in alphabetical order immediately following those substances listed under "Cooling and retort water treatment agents." The substance "Sodium acid pyrophosphate" was then listed under that class of substance "Curing accelerators." Agents, such as sodium acid pyrophosphate, used as curing accelerators in cured products, as the chart of substances in § 318.7(c)(4) indicates, must be used only in combination with curing agents.

In the same chart of substances, a number of other substances are listed under "Curing agents" as noted under the "Purpose" column "To accelerate color fixing or preserve color during storage."

Having curing accelerating agents listed in the chart as curing agents has caused confusion whether curing accelerators may be used in product without using curing agents. It has not been the Department's policy to permit the use of curing accelerators in the absence of curing agents. Therefore, to clarify this matter with respect to classifying appropriate substances under their appropriate class, the chart of substances in § 318.7(c)(4) is being amended to delete the following agents from the class of substance "Curing agents" and add them to the class substance "Curing accelerators": Ascorbic acid, erythorbic acid, gluconic delta lactone, sodium ascorbate, sodium erythorbate, and citric acid or sodium citrate.

A minor clarifying change is also made in the chart in § 318.7(c)(4) to show that the 200 ppm referred to in the "Amount" column refers to 200 ppm of nitrite calculated as sodium nitrite.

When the Department's poultry products inspection regulations were published May 16, 1972, a chart of substances was provided in § 381.147(f)(3), Table 1, which included agents considered as curing accelerators, e.g. ascorbic acid, which were listed under the class of substance "Curing agents." In that same chart under the "Product" column in connection with curing agents, no products were specified in which the various substances were permitted to be used. The terminology used under the "Product" column is "Various." This matter has also caused confusion and misinterpretations with respect to the Department's policy concerning the use of curing agents and curing accelerators in poultry products. As in the case of meat and meat products, curing accelerators are not permitted to be used in connection with the processing of poultry products without also using curing agents.

Further, clarifications with respect to the use under the "Products" column of the term "Various" is needed. It seems apparent that since the substances under consideration are "curing agents" or "curing accelerators," and the "curing accelerators" cannot be used without curing agents, that the poultry products in which they are used can be appropriately referred to as "cured poultry; cured, comminuted poultry products," rather than

the vague and ambiguous term "various." This change will clarify this matter and does not represent a change in the Department's policy with respect to the use of curing agents or curing accelerators in connection with poultry products.

Under the "Amount" column with respect to the curing agents "Sodium or potassium nitrite," a clarification is being made to reflect the fact that the maximum of 200 parts per million of nitrite in the finished product, resulting from the use of sodium nitrite, sodium nitrate, or a combination thereof, is calculated as sodium nitrite. This change is also for clarification only and does not

represent a change in the Department's policy with respect to the use of sodium nitrite in poultry products.

The changes are as set forth below.

1. In § 318.7(c) (4), that portion of the chart dealing with the classes of substances, "Curing accelerators" and "Curing agents" is amended to read as follows:

§ 318.7 Approval of substances for use in the preparation of product.

- * * * * *
- (c) * * *
- (4) * * *

Class of substance	Substance	Purpose	Products	Amount
Curing accelerators; must be used only in combination with curing agents.	Ascorbic acid.....	To accelerate color fixing or preserve color during storage.	Cured pork and beef cuts, cured comminuted meat food product.	75 oz to 100 gal pickle at 10 percent pump level; ¾ oz to 100 lb meat or meat byproduct; 10 percent solution to surfaces of cured cuts prior to packaging. (The use of such solution shall not result in the addition of a significant amount of moisture to the product.)
	Erythorbic acid.....	do	do	Do.
	Glucono delta lactone.	To accelerate color fixing.	Cured, comminuted meat or meat food product.	8 oz to each 100 lb of meat or meat byproduct.
	Sodium acid pyrophosphate.	To accelerate color fixing.	Genoa salami, Frankfurters, wieners, vienna, bologna, garlic bologna, knockwurst, and similar products.	16 oz to 100 lb of meat (1.0 percent). Not to exceed, alone or in combination with other curing accelerators, the following: 8 oz in 100 lb of the meat, or meat and meat byproducts, content of the formula; nor 0.5 percent in the finished product.
	Sodium ascorbate.....	To accelerate color fixing or preserve color during storage.	Cured pork and beef cuts, cured comminuted meat food product.	87.5 oz to 100 gal pickle at 10 percent pump level; ¾ oz to 100 lb meat or meat byproduct; 10 percent solution to surfaces of cured cuts prior to packaging. (The use of such solution shall not result in the addition of a significant amount of moisture to the product.)
Curing agents.....	Sodium erythorbate.....	do	do	Do.
	Citric acid or sodium citrate.	do	do	May be used in cured products or in 10 percent solution used to spray surfaces of cured cuts prior to packaging to replace up to 50 percent of the ascorbic acid, erythorbic acid, sodium ascorbate, or sodium erythorbate that is used.
	Sodium or potassium nitrate.	Source of nitrite.	Cured products.	7 lb to 100 gal pickle; ¾ oz to 100 lb meat (dry cure); 2¼ oz to 100 lb chopped meat.
	Sodium or potassium nitrite. (Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly.)	To fix color.	do	2 lb to 100 gal pickle at 10 percent pump level; 1 oz to 100 lb meat (dry cure); ¼ oz to 100 lb chopped meat and/or meat byproduct. The use of nitrites, nitrates, or combination shall not result in more than 200 parts per million of nitrite, calculated as sodium nitrite, in finished product.

2. In § 381.147(f) (3), Table 1, a new class of substance named "Curing accelerators" is added under the column "Class of Substance," in alphabetical order immediately following those substances listed under "Cooling and retort water treatment agents," and that portion of the table dealing with "Curing

accelerators" and "Curing agents" is amended to read as follows:

§ 381.147 Restrictions on the use of substances in poultry products.

- * * * * *
- (f) * * *
- (3) * * *

Class of substance	Substance	Purpose	Products	Amount
Curing accelerators; must be used only in combination with curing agents.	Ascorbic acid	To accelerate color fixing.	Cured poultry; cured, comminuted poultry products.	75 oz to 100 gal pickle at 10 percent pump level; 3/4 oz to 100 lb of poultry product; 10 percent solution to surfaces of the product prior to packaging. (The use of such solution shall not result in the addition of a significant amount of moisture to the product.)
	Erythorbic acid	do.	do.	Do.
	Sodium ascorbate	do.	do.	87.5 oz to 100 gal pickle at 10 percent pump level; 3/4 oz to 100 lb of poultry product; 10 percent solution to surfaces of product prior to packaging. (The use of such solution shall not result in the addition of a significant amount of moisture to the product.)
	Sodium erythorbate	do.	do.	Do.
	Citric acid or sodium citrate	do.	do.	May be used in cured products to replace up to 50 percent of the ascorbic acid or sodium ascorbate that is used.
Curing agents	Sodium or potassium nitrate	Source of nitrite	do.	7 lb to 100 gal pickle; 3 1/2 oz to 100 lb of poultry product (dry cure); 2 1/2 oz to 100 lb of chopped poultry meat.
	Sodium or potassium nitrite. (Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly.)	To fix color	Cured products	2 lb to 100 gal pickle at 10 percent pump level; 1 oz to 100 lb of poultry product (dry cure); 3/4 oz to 100 lb chopped poultry meat. The use of nitrites, nitrates, or combination shall not result in more than 200 ppm of nitrite, calculated as sodium nitrite, in finished product.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; Sec. 14, 71 Stat. 441, as amended (21 U.S.C. 463) 37 FR 28464, 28477)

These amendments clarify the regulations to more accurately reflect the classification of substances specified herein; to clarify the name of poultry products in which curing agents are used; and to clarify the basis on which the presence of sodium nitrite in finished poultry product is calculated. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective in less than 30 days after publication hereof in the Federal Register.

These amendments shall become effective August 26, 1974.

Done at Washington, D.C., on: August 15, 1974.

F. J. MULHERN,
Administrator, Animal and
Plant Health Inspection Service.

[FR Doc. 74-19489 Filed 8-23-74; 8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Supplement to the Emergency Amendment to the Special Propane Rule

The Federal Energy Administration hereby amends, effective August 1, 1974, certain definitions of the refiner's in-

creased product cost allocation formulae of 10 CFR 212.83(c)(2), to make the formulae consistent with the provisions of the emergency amendment to the special propane rule, which was issued August 5, 1974, and which was made effective August 1, 1974.

The emergency amendment to the special propane rule limits the amount of increased cost of crude petroleum which may be allocated to propane by a refiner to a percentage that is equal to the percentage that propane produced from crude petroleum is to all other products produced from crude petroleum.

The cost allocation formulae of § 212.83(c)(2) determine generally the amounts of increased product cost which may be allocated by a refiner as between special products (gasoline, No. 2 heating oil, and No. 2-D diesel fuel) and "other than special products." Propane is an "other than special product," which is subject both to the "other than special product" cost allocation formula of § 212.83(c)(2)(ii), and to the "special propane rule" of § 212.83(c)(1)(iii).

The cost allocation formula for special products (§ 212.83(c)(2)(i)) limits the amount of increased cost of crude petroleum which may be allocated to special products to a percentage that is equal to the percentage that the sales volume of special products (V_s) is to the sales volume of all covered products and all products refined from crude petroleum other than covered products (V). The amount of increased cost of crude petroleum which cannot be allocated to special products can only be allocated to "other than special products."

The inclusion of all covered products in the volumes of the fraction

$$\left(\frac{V_s}{V}\right),$$

which is applied to the increased cost of crude petroleum to determine the amounts of such costs which may be allocated to special products, on the one hand, and to other than special products, on the other, results in an allocation of increased cost of crude petroleum to "other than special products" in an amount which reflects not only the volume of propane refined from crude petroleum, but also the volume of propane purchased by the refiner and propane produced from natural gas liquids.

Thus, the emergency amendment to the special propane rule permits the allocation to propane of only the increased cost of crude petroleum that is proportional to the volume of propane produced from crude petroleum by a refiner, while the cost allocation formulae allocate to "other than special products," which include propane, increased cost of crude petroleum in an amount that reflects the volume of all propane sold by the refiner. The net result is that the cost allocation formulae allocate increased cost of crude petroleum to "other than special products" in an amount that is disproportionately large in comparison to the amount of such costs that can now actually be allocated under the special propane rule to propane, which is one of the "other than special products" to which the formulae apply.

Accordingly, the cost allocation formulae of § 212.83(c)(2) are being amended to make them consistent with the provisions of the emergency amendment to the special propane rule, by excluding propane from the volumes in the cost allocation formulae except to the extent it is refined from crude petroleum by the refiner.

Because this supplementary amendment is an integral part of the emergency amendment to the special propane rule, it is being made effective as of August 1, 1974, and the provisions of §§ 7(c)(2) and 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) are hereby waived with respect to this supplementary amendment, for the reasons set forth in the preamble to the emergency amendment. (39 FR 28608, August 9, 1974.)

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective August 1, 1974.

Issued in Washington, D.C., August 20, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

Section 212.83 is amended in paragraph (c)(2) to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

- (c) Allocation of increased costs. . . .
(2) General formulae.

Vⁿ—The total volume of all covered products (other than propane, which may be included only to the extent that it was refined by the refiner from crude petroleum) and all products refined from crude petroleum other than covered products sold in the period "n" (the consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

Vⁱ—The total volume of a specific covered product or products of the type "i" (other than propane, which may be included only to the extent that it was refined by the refiner from crude petroleum) sold in the period "n" (the consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

[FR Doc.74-19652 Filed 8-23-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

In order to further effectuate the reorganization of the Board's staff announced on July 16, 1974, the Board has amended its Rules Regarding Delegations of Authority pursuant to section 12(k) of the Federal Reserve Act (12 U.S.C. 248(k)) to transfer to the Director of the Office of Saver and Consumer Affairs certain delegated functions previously delegated to the Director of the Division of Supervision and Regulation. The transferred delegations concern the Board's Securities Credit Regulations, 12 CFR Parts 207, 220, 221 and 224. The transferred delegations include those previously designated as 12 CFR 265.2 (c)(13) and (18), and a previously unpublished delegation.

Section 265.2 is amended as follows:

§ 265.2 [Amended]

1. Paragraphs (c)(13) and (c)(18) are repealed.

2. Prior paragraph (c)(14) through (17) are redesignated as paragraph (c)(13) through (16).

3. A new paragraph (h) is added to § 265.2 as follows:

(h) The Director of the Office of Saver and Consumer Affairs (or, in his absence, the Acting Director) is authorized:

(1) Under the provisions of §§ 207.2 (f), 220.2(e), and 221.3(d) of this chapter (Regulations G, T, and U, respectively) to approve issuance of the list of OTC margin stocks and to add, omit, or remove any stock in circumstances in-

dicating that such change is necessary or appropriate in the public interest.

(2) Under the provisions of § 207.4 (a)(2)(ii) of this chapter (Regulation G) to approve repayments of the "deficiency" with respect to stock option or employee stock purchase plan credit in lower amounts and over longer periods of time than those specified in the regulation.

(3) Pursuant to the provisions of Part 261 of this chapter, to make available reports and other information of the Board acquired pursuant to Parts 207, 220, 221, and 224 of this chapter (Regulations G, T, U and X) of the nature and in circumstances described in § 261.6 (a)(2) and (3) of Part 261 of this chapter.

Effective date: August 16, 1974.

By order of the Board of Governors,
August 16, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-19678 Filed 8-23-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart M—Organization

Revised Field Structure in Regions I, IV, and V

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide revised field structure in Region I, Boston; Region IV, Atlanta; and Region V, Chicago. Recent reorganizations provide for the establishment of the Winchester Engineering and Analytical Center in Region I; District Offices at Atlanta, GA, Orlando, FL, and Nashville, TN in Region IV; and the Minneapolis Center for Microbiological Investigations in Region V. A Houston Section, under a pilot project, is operationally conducting district office-type functions in Region VI. This amendment incorporates those additional units in the field structure.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended by revising § 2.175 to read as follows:

§ 2.175 Field structure.

REGION I

Regional Field Office: 585 Commercial Street, Boston, MA 02109.
Winchester Engineering and Analytical Center: 109 Holton Street, Winchester, MA 01890.

REGION II

Regional Field Office: 850 Third Avenue, Brooklyn, NY 11232.
District Office: 850 Third Avenue, Brooklyn, NY 11232.

District Office: 599 Delaware Avenue, Buffalo, NY 14202.

District Office: Room 831, 970 Broad Street, Newark, NJ 07102.

District Office: Post Office Box S-4427, San Juan Station, San Juan, PR 00905.

REGION III

Regional Field Office: Room 1204, Second and Chestnut Streets, Philadelphia, PA 19106.

District Office: Room 1204, Second and Chestnut Streets, Philadelphia, PA 19106.

District Office: 900 Madison Avenue, Baltimore, MD 21201.

REGION IV

Regional Field Office: 880 West Peachtree Street, Atlanta, GA 30309.

District Office: 880 West Peachtree Street, Atlanta, GA 30309.

District Office: 297 Plus Park Boulevard, Nashville, TN 37217.

District Office: Post Office Box 118, Orlando, FL 32802.

REGION V

Regional Field Office: Room A-1945, 175 West Jackson Boulevard, Chicago, IL 60607.

District Office: Room 1222, 433 West Van Buren Street, Chicago, IL 60607.

District Office: 1141 Central Parkway, Cincinnati, OH 45202.

District Office: 1560 East Jefferson Avenue, Detroit, MI 48207.

District Office: 240 Hennepin Avenue, Minneapolis, MN 55401.

Minneapolis Center for Microbiological Investigations: 240 Hennepin Avenue, Minneapolis, MN 55401.

REGION VI

Regional Field Office: 3032 Bryan Street, Dallas, TX 75204.

District Office: 3032 Bryan Street, Dallas, TX 75204.

District Office: Room 222, 423 Canal Street, New Orleans, LA 70130.

Houston Section: Room 413, 201 Fannin Street, Houston, TX 77002.

REGION VII

Regional Field Office: 1009 Cherry Street, Kansas City, MO 64106.

REGION VIII

Regional Field Office: 721 19th Street, U.S. Customhouse, Denver, CO 80202.

REGION IX

Regional Field Office: Room 518, 50 Fulton Street, San Francisco, CA 94102.

District Office: Room 518, 50 Fulton Street, San Francisco, CA 94102.

District Office: 1521 West Pico Boulevard, Los Angeles, CA 90015.

REGION X

Regional Field Office: Room 5003, 909 First Avenue, Seattle, WA 98104.

Effective date. This order shall be effective August 26, 1974.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a).)

Dated: August 19, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-19656 Filed 8-23-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 310—NEW DRUGS

Subpart E—Requirements for Specific New Drugs or Devices

SUBCHAPTER G—COSMETICS

PART 700—GENERAL

Subpart B—Requirements for Specific Cosmetic Products

Vinyl Chloride as an Ingredient of Drug and Cosmetic Aerosol Products

In the FEDERAL REGISTER of April 22, 1974 (39 FR 14215), the Commissioner of Food and Drugs issued a notice of proposed rule making regarding all drug and cosmetic aerosol products containing vinyl chloride as an ingredient, including propellant. The proposal was based on the Commissioner's determination that there are sufficient scientific data on which to base a decision that: (1) Vinyl chloride presents an unnecessary hazard to the public health when it is used as an ingredient in cosmetic aerosol products, and that such use should be banned; and (2) vinyl chloride, when used as an ingredient in drug aerosol products, is not generally recognized as safe and effective, is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act, and requires an approved new drug application as a condition of marketing. Interested persons were invited to submit comments regarding the proposal on or before May 22, 1974.

Comments were received from the American Academy of Pediatrics, a municipal consumer affairs unit, and an individual. All the comments were in support of the Commissioner's proposal. Accordingly, the Commissioner concludes that the regulations should be adopted as proposed.

The notice of proposed rule making also requested data regarding the use of polyvinyl chloride in containers for food and cosmetics, and in devices. The Commissioner urgently requested that certain data be submitted on the extent of the usage of polyvinyl chloride containers, the rates of extraction of vinyl chloride monomer from these containers, and other matters that will pertain to the safety of these containers. The time limit for submission of data requested in the proposal was on or before June 21, 1974. However, to date, the Commissioner has received only a few responses and again requests that the pertinent information be sent to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, as soon as possible.

A companion notice in the same issue of the FEDERAL REGISTER (39 FR 14238) required each registrant under section 510 of the Federal Food, Drug, and Cosmetic Act to submit a list of all human drugs which are being manufactured, prepared, propagated, compounded, or processed for commercial distribution and which contain vinyl chloride as an ingredient or are packaged in polyvinyl chloride containers. The notice also requested registrants to furnish certain ad-

ditional information relating to vinyl chloride and polyvinyl chloride.

Data being received by the Food and Drug Administration as a result of the FEDERAL REGISTER notices are being compiled and reviewed to determine whether any additional action by the Commissioner is needed to protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 601(a), 701(a), 52 Stat. 1050-1055, as amended; 21 U.S.C. 352, 355, 361(a), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 310 and 700 are amended as follows:

1. By adding a new § 310.506 to Subpart E to read as follows:

§ 310.506 Use of vinyl chloride as an ingredient, including propellant, of aerosol drug products.

(a) Vinyl chloride has been used as a propellant in aerosol drug preparations. Evidence indicates that vinyl chloride inhalation can result in acute toxicity manifested by dizziness, headache, disorientation, and unconsciousness where inhaled at high concentrations. Cardiac effects, bone changes, and degenerative changes in the brain, liver, and kidneys have been reported in animals. Studies also demonstrate carcinogenic effects in animals as a result of inhalation exposure to vinyl chloride. Recently, vinyl chloride has been linked to liver disease, including liver cancer, in workers engaged in the polymerization of vinyl chloride.

(b) The Commissioner finds that there is a lack of general recognition by qualified experts of the safety or effectiveness of aerosol drug preparations containing vinyl chloride as an ingredient, including propellant. Therefore, any such product containing vinyl chloride is a new drug and a new drug application approved under section 505 of the Federal Food, Drug, and Cosmetic Act is required for marketing.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD-1571), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that such preparations are safe and effective for the purposes intended.

(d) Any such drug within the jurisdiction of the act which is not in accord with this regulation is subject to regulatory action.

2. By adding a new § 700.14 to Subpart B to read as follows:

§ 700.14 Use of vinyl chloride as an ingredient, including propellant of cosmetic aerosol products.

(a) Vinyl chloride has been used as an ingredient in cosmetic aerosol products including hair sprays. Where such aerosol products are used in the confines of a small room, as is often the case, the level of vinyl chloride to which the individual may be exposed could be significantly in excess of the safe level estab-

lished in connection with occupational exposure. Evidence indicates that vinyl chloride inhalation can result in acute toxicity manifested by dizziness, headache, disorientation, and unconsciousness where inhaled at high concentrations. Studies also demonstrate carcinogenic effects in animals as a result of inhalation exposure to vinyl chloride. Furthermore, vinyl chloride has recently been linked to liver disease, including liver cancer, in workers engaged in the polymerization of vinyl chloride. It is the view of the Commissioner that vinyl chloride is a deleterious substance which may render any cosmetic aerosol product that contains it as an ingredient injurious to users. Accordingly, any cosmetic aerosol product containing vinyl chloride as an ingredient is deemed to be adulterated under section 601(a) of the Federal Food, Drug, and Cosmetic Act.

(b) Any cosmetic aerosol product containing vinyl chloride as an ingredient shipped within the jurisdiction of the act is subject to regulatory action.

Effective date. This order shall be effective September 25, 1974.

(Secs. 502, 505, 601(a), 701(a), 52 Stat. 1050-1055, as amended; 21 U.S.C. 352, 355, 361(a), 371(a).)

Dated: August 20, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-19657 Filed 8-23-74; 8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore

the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C.

821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Abbott Laboratories	Digoxin I 125 Imusay ® diagnostic kit No. 7649.	Kit: 100 units.	June 6, 1974
Amersham/Searle Corp.	Lysergic acid di[1- ¹⁴ C] ethylamide, catalog No. C.F.A. 534.	Ampoule: 0.6 mg to 8.1 mg.	July 2, 1974
Flow Laboratories and Oxoid Ltd.	Barbitone acetate buffer for electrophoresis code No. BR 11g.	Bottle: 100 gms.	June 21, 1974
Do.	Complement fixation test, diluent tablets code No. BR 16.	Bottle: 100 tablets.	Do.
Hoffman-La Roche Inc.	TM Abuscreen radioimmunoassay for Methadone.	Kit containing vials of: 5 ml, 30 ml, and 100 ml, and bottle: 500 ml.	June 17, 1974
Do.	TM Abuscreen radioimmunoassay for Methaqualone.	do.	Do.
Hyland Division, Travenol Labs., Inc.	T-21.	Vial: 20 ml.	July 11, 1974
Do.	T-22.	Vial: 20 ml.	Do.
Do.	T-23.	Vial: 50 ml.	Do.
Do.	T-24.	Vial: 50 ml.	Do.
Do.	T-25.	Vial: 50 ml.	Do.
Do.	T-27.	Vial: 20 ml.	July 15, 1974
Do.	T-28.	Vial: 50 ml.	Do.
Do.	T-29.	Vial: 50 ml.	Do.
Do.	T-30.	Vial: 50 ml.	Do.
J.W.S. Delavan Co., Inc. and the Theta Corp.	Test mixture TM No. 1.	Vial: 2 ml.	June 19, 1974
Do.	Test mixture TM No. 2.	do.	Do.
Do.	Test mixture SM No. 1.	do.	Do.
Do.	Test mixture SP No. 1.	do.	Do.
Do.	Test mixture SM No. 2.	do.	Do.
Do.	Test mixture SP No. 2.	do.	Do.
Do.	Test mixture SM No. 3.	do.	Do.
Do.	Test mixture SP No. 3.	do.	Do.
Do.	Test mixture SM No. 4.	do.	Do.
Do.	Test mixture SP No. 4.	do.	Do.
Millipore Corp.	Counterimmuno electrophoresis buffer 1, catalog No. ESCE 032 01.	Vial: 10.10 gm.	June 17, 1974
Do.	CIEP AgarSlide, catalog No. ESCE 032 01.	Plate 3¼"x2¼"x¼"	July 11, 1974
Warner-Lambert Co. (General Diagnostics Division).	Russell's viper venom reagent.	Vial: 7.3 ml containing 48 mg of powder.	July 8, 1974

Effective date. This order is effective August 26, 1974. Any interested person may file written comments on or objections to the order on or before September 25, 1974. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he

may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: August 12, 1974.

JOHN R. BARTELS, Jr.,
Administrator,

Drug Enforcement Administration.

[FR Doc.74-19572 Filed 8-23-74; 8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

New 706 Agencies; Formal Designations

Pursuant to § 1601.12(g), Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, (37 9214-9220), May 6, 1972, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) designates the agencies listed below as 706 Agencies (§ 1601.12 (c)) and Provisional Notice Agencies (as defined in § 1601.12(d) (2)), for purposes of receiving charges deferred by the Commission pursuant to section 706 (c) and (d) of title VII of the Civil Rights Act of 1964, as amended, and for purposes of according weight to the final findings and orders of those agencies pursuant to § 1601.12(g) (1), and ends the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(g) (1).

§ 1601.12 [Amended]

The Commission through publication of the following designated agencies hereby amend § 1601.12(k). The designated 706 agencies are:

Iowa Commission on Civil Rights
Wisconsin Department of Industry, Labor
and Human Relations

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc. 74-19742 Filed 8-23-74; 8:45 am]

PART 1602—RECORDS AND REPORTS

Extension of Deadline for Filing Apprenticeship Information Report EEO-2

Notice is hereby given that the 1974 deadline for filing Apprenticeship Information Report EEO-2 as required by 29 CFR 1602.15 is extended from September 30, 1974, to December 31, 1974. The period during which statistics for Report EEO-2 must be obtained remains unchanged. Signed at Washington, D.C. this 14th day of August 1974.

JOHN H. POWELL, Jr.,
Chairman, Equal Employment
Opportunity Commission.

[FR Doc. 74-19717 Filed 8-23-74; 8:45 am]

PART 1602—RECORDS AND REPORTS

Extension of Deadline for Filing Local Union Equal Employment Opportunity Report EEO-3

Notice is hereby given that the 1974 deadline for filing Local Union Equal Employment Opportunity Report EEO-3 required by 29 CFR 1602.22 is extended from November 30, 1974, to December 31, 1974. The period during which statistics for Report EEO-3 must be obtained re-

mains unchanged. Signed at Washington, D.C., this 14th day of August 1974.

JOHN H. POWELL, Jr.,
Chairman, Equal Employment
Opportunity Commission.

[FR Doc. 74-19718 Filed 8-23-74; 8:45 am]

PART 1602—RECORDS AND REPORTS

Filing Date Changes for State and Local Government Information Report EEO-4 and Elementary; Secondary Staff Information Report EEO-5

After gaining some experience concerning the difficulty jurisdictions are having in compiling reports EEO-4 and EEO-5, the Equal Employment Opportunity Commission has determined that the filing dates should be extended from July 30, 1974, and October 15, 1974, respectively, to September 30, 1974 and November 30, 1974, respectively, and annually thereafter. Corresponding changes are required under the appropriate recordkeeping requirements. The payroll reporting period for each form remains unchanged. Accordingly, §§ 1602.30, 1602.32(a), 1602.39, and 1602.41(a) of Part 1602, Chapter XVI, of Title 29 of the Code of Federal Regulations are hereby amended as follows below. These amendments are effective immediately.

§ 1602.30 [Amended]

1. Section 1602.30 is amended by striking the date "July 30, 1973," and inserting therein the date "September 30, 1974."

§ 1602.32 [Amended]

2. Section 1602.32(a) is amended by striking the date "July 30, 1974," and inserting therein the date "September 30, 1974."

§ 1602.39 [Amended]

3. Section 1602.39 is amended by striking the date "October 15, 1973," and inserting therein the date "November 30, 1974."

§ 1602.41(a) [Amended]

4. Section 1602.41(a) is amended by striking the date "October 15, 1974," and inserting therein the date "November 30, 1974."

Signed at Washington, D.C., this 15th day of August, 1974.

JOHN H. POWELL, Jr.,
Chairman, Equal Employment
Opportunity Commission.

[FR Doc. 74-19719 Filed 8-23-74; 8:45 am]

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE;
DEPARTMENT OF THE TREASURYSUBCHAPTER B—BUREAU OF GOVERNMENT
FINANCIAL OPERATIONSPART 202—DEPOSITARIES AND FINANCIAL
AGENTS OF THE GOVERNMENT

Collateral Security

Section 202.6(c) and (d) of Department of the Treasury Circular 176, Sec-

ond Revision (31 CFR Part 202), is hereby amended to read as follows:

§ 202.6 Collateral security.

(c) *Deposits of securities.* Unless the Secretary of the Treasury provides otherwise, collateral security under this part must be deposited with the Federal Reserve Bank or Branch of the district in which the depository is located (depositories located in Puerto Rico, the Virgin Islands, and the Panama Canal Zone will be considered as being located in the New York Federal Reserve district), or with a custodian or custodians within the United States designated by the Federal Reserve Bank, under terms and conditions prescribed by the Federal Reserve Bank. Securities deposited with a Federal Reserve Bank must be accompanied by a letter stating specifically the purpose for which the securities are being deposited.

(d) *Assignment.* A depository that pledges securities which are not negotiable without its endorsement or assignment may, in lieu of placing its unqualified endorsement on each security, furnish an appropriate resolution and irrevocable power of attorney authorizing the Federal Reserve Bank to assign the securities. The resolution and power of attorney shall conform to such terms and conditions as the Federal Reserve Banks shall prescribe.

(Sec. 10, 56 Stat. 356, as amended (12 U.S.C. 265))

Notice and public procedures thereon are unnecessary as the fiscal policy of the United States is involved.

Dated: August 14, 1974.

[SEAL]

DAVID MOSSO,
Deputy Fiscal
Assistant Secretary.

[FR Doc. 74-19715 Filed 8-23-74; 8:45 am]

Title 36—Parks, Forests and Memorials
CHAPTER I—NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIORPART 7—SPECIAL REGULATIONS, AREAS
OF THE NATIONAL PARK SERVICE

Natchez Trace Parkway, Tennessee-Alabama-Mississippi; Trucks, Trailers, Buses and Towed Vehicles; Possession of Beer and Alcoholic Beverages

A proposal was published at pages 20489 and 20490 of the FEDERAL REGISTER, of June 11, 1974, to revise paragraphs (c) (1) and (4) of § 7.43 and to add paragraphs (c) (5), (6), (7), and (d) to Title 36 of the Code of Federal Regulations. The effect on the revisions and additions is to clarify the use of the Natchez Trace Parkway motor road by trucks, trailers, buses and towed vehicles, and to establish restrictions on the possession of beer and alcoholic beverages on the parkway.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed revisions and additions. As a result of comments received, the pro-

posed regulation is adopted with the following changes: Deletion of "... in accordance with applicable State and local Regulations," from paragraph (d) (1), and deletion of "... in accordance with applicable State and local laws," from paragraph (d) (2).

These revisions and additions will become effective September 25, 1974 (5 U.S.C. 553; 16 U.S.C. 3; * * *).

Paragraph (c) (1) and (4) of § 7.43 is revised, and paragraph (c) (5), (6), (7) and (d) are added, to read as follows:

§ 7.43 Natchez Trace Parkway.

(c) Vehicles—(1) *Trucks*. Trucks over one ton rated capacity are not permitted on the parkway. Trucks, not exceeding one ton rated capacity, are permitted to travel on the Natchez Trace Parkway when used solely for transportation of persons, their baggage, camping equipment and related articles for recreational purposes only. Trucks used for the purpose of hauling non-recreational materials are not permitted.

(4) *Recreational vehicles*. Recreational vehicles, including but not limited to self-propelled mobile homes, campers, house-trailers, and vehicles up to 1½ ton rated capacity, when such recreational vehicles are used solely to carry persons for recreational purposes together with their baggage, camping equipment, and related articles for vacation or recreational purposes, are permitted on the parkway.

(5) *Trailers*. Trailers are permitted when used non-commercially to transport baggage, camping equipment, horses for recreational riding, small boats and other similar items used for vacation or recreational purposes, provided they meet the following criteria:

(i) Utility type trailers must be enclosed or covered and are not to exceed 5 feet by 8 feet.

(ii) Trailers must be equipped with red taillights, red stoplights and mechanical turn signals. Clearance lights are required on trailers over 6 feet high.

(iii) Trailers carrying over one ton must be properly equipped with brakes, adequate to control the movement thereof and to stop and to hold such vehicle, and designed so as to be applied by the driver of the towing motor vehicle from its cab; said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

(iv) All trailers shall be coupled to the towing vehicle by means of a safety chain or equivalent device in addition to the regular trailer hitch or coupling. No more slack shall be left in safety chains than shall be necessary to permit proper turning and the safety chains shall be so connected to the towed and towing vehicles and to the drawbar to prevent the drawbar from dropping to the ground if the drawbar falls and shall be of sufficient strength to control the trailer in event of failure of the regular trailer hitch or coupling.

(v) Only one trailer of any type may be towed by any one vehicle along the parkway. The towing vehicle and trailer must not exceed 55 feet in length.

(6) Buses. Commercial passenger carrying buses, when used for touring purposes, may travel the Natchez Trace Parkway by obtaining special written permission in advance from the Superintendent or his representative. School buses may travel on the parkway without such written permission when transporting people for special recreational or educational purposes.

(7) Towed vehicles other than trailers. Such vehicles must be towed with a rigid tow bar which does not require a driver for the towed vehicle. Tow bar must be equipped with safety chains that are so connected to the towed and towing vehicles and to the tow bar that, if the tow bar fails, it will not drop to the ground and the chains shall be of sufficient strength to prevent breakaway of the towed vehicle in the event of such tow bar failure. The towed vehicle must be equipped with brakelights, taillights, and signal lights in accordance with applicable State regulations. The towing vehicle and towed vehicle must not exceed 55 feet in length.

(d) *Beer and alcoholic beverages*. (1) The possession of beer or any alcoholic beverage in an open or unsealed container, is prohibited except in designated picnic, lodging, residence, and camping areas.

(2) The possession of beer or any alcoholic beverage in an open or unsealed container in any motor vehicle is prohibited.

C. W. OGLE,
Superintendent, Natchez Trace.

[FR Doc. 74-19650 Filed 8-23-74; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 245-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Puerto Rico; Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved the implementation plan submitted by the Commonwealth of Puerto Rico for attainment and maintenance of national ambient air quality standards. On April 5, April 9, April 17 and September 10, 1973, proposed revisions to the approved plan were submitted by Puerto Rico in the form of compliance schedules covering sources located in the Commonwealth. Set forth below are regulations approving forty-seven of these compliance schedules.

These compliance schedules were adopted by Puerto Rico after notice and public hearings in conformity with the requirements of 40 CFR 51.4 and 51.6, as certified by supporting documents sub-

mitted by the Puerto Rico Environmental Quality Board. The Administrator determined that these schedules could not be approved as originally submitted by the Commonwealth, and requested that additional information be supplied relating to the procedures employed in adoption of these schedules by the Commonwealth, and to the enforceability of their terms. This information was received by EPA on February 1 and February 12, 1974. The Administrator thereupon found these schedules to be approvable as consistent with the requirements of the Clean Air Act, 40 CFR Part 51, and Puerto Rico's approved control strategies. The Administrator therefore proposed approval of these schedules in the FEDERAL REGISTER of May 13, 1974 (39 FR 17109). The comments of interested persons were invited during the thirty-day period following publication of this proposed rulemaking. No comments were received, and the thirty-day period established in the FEDERAL REGISTER of May 13, 1974 has since expired. The Administrator therefore approves these schedules in the form of the regulations set out below.

The date indicated for final compliance in forty-six of these schedules will have passed by the time of their final approval. This fact is attributable to delays occasioned by the necessity of ministering to infirmities existing at the time of their initial submission. The Administrator believes approval of these schedules to be nonetheless desirable inasmuch as each schedule reflects the consensus of EPA and the Puerto Rico Environmental Quality Board as to the abatement actions to be taken, and the date by which compliance should be achieved.

Each of these schedules establishes a new date by which the source involved must comply with the applicable emission limitation provisions of the federally-approved state implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date". In no case does this compliance date fall beyond the April 30, 1975 date established in Puerto Rico's implementation plan for attainment of primary ambient air quality standards, nor is relaxation of any emission standard involved. Achievement of ambient air quality standards by the attainment date is therefore not jeopardized by approval of these schedules.

Copies of the forty-seven compliance schedules hereby approved are available for public inspection at the offices of the Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007, and the Puerto Rico Environmental Quality Board, 1550 Ponce de Leon Avenue, Santurce, Puerto Rico 00910.

The Administrator finds that good cause exists for making these regulations effective immediately upon publication. This will not compromise any interest of any of the sources affected, as they were involved in the development of these schedules, and are therefore aware of their terms. In addition, under section 307 of the Clean Air Act, as amended, an affected source is able to challenge the

approval of a schedule immediately. The immediate effective date will serve EPA interests in allowing the Agency to enforce immediately the substantive terms of these regulations.

(42 U.S.C. 1857c-5)

Dated: August 16, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart BBB—Puerto Rico

1. Section 52.2720 is amended by adding a new paragraph (c) as follows:

PUERTO RICO

Source	Location	Regulations involved	Date of adoption	Effective date	Final compliance date
Hormigonera Oriental, Inc.	Fajardo	5.2, 5.5	Apr. 4, 1973	Immediately	Apr. 30, 1973
Hormigonera Metropolitana, Inc.	Caguas	5.2, 5.5	do	do	Do.
Hormigonera, Inc.	Caguas	5.1, 5.2, 5.5	Apr. 5, 1973	do	Do.
Industria Alimenticia	Barceloneta	5.5, 8	do	do	Nov. 30, 1973
Jocarrick	Vega Baja	5.2, 5.5	do	do	Apr. 28, 1973
Inabon Aggregates, Inc.	Coto Laurel	5.2	do	do	Mar. 31, 1973
Ponce Asphalt, Inc.—Santa Isabela Plant	Ponce	5.2, 5.5	do	do	Apr. 15, 1973
Cantera Diaz, Inc.	Trujillo Alto	5.2	do	do	June 15, 1973
Inabon Asphalt, Inc.	Coto Laurel	5.1, 5.2	do	do	June 1, 1973
Bettersoads Asphalt Corp., plant 2	Aguada	5.1, 5.2	do	do	May 31, 1973
Hormigonera, Inc., plant 6	Bayamon	5.2	Apr. 4, 1973	do	Mar. 30, 1973
Hormigonera, Inc., plant 15	Canovanas	5.2	Apr. 5, 1973	do	Apr. 30, 1973
Hormigonera, Inc., plant 7	Fajardo	5.2	do	do	Mar. 30, 1973
Hormigonera, Inc., plant 5 (temporary)	Dorado	5.2	do	do	Mar. 31, 1973
Hormigonera Oriental, Inc.	Humacao	5.2	Apr. 4, 1973	do	Apr. 30, 1973
Bettersoads Asphalt Corp., plant 6	Arecibo	5.2, 5.4	Apr. 5, 1973	do	Dec. 31, 1973
Empress O'Neill	Mnnati	5.2, 5.4	do	do	July 15, 1973
General Electric Switchgear	Vieques	5.2, 4.1	Apr. 4, 1973	do	Mar. 16, 1973
Torresos Pico, Inc.	Ponce	5.1, 5.2	Apr. 5, 1973	do	June 30, 1973
South Caribe Aggregates, Inc.	Ponce	5.1, 5.2	do	do	June 20, 1973
Rexach Block—Santurce	Santurce	5.1, 5.5	Apr. 9, 1973	do	Aug. 15, 1973
Integrated Industries	Mayaguez	5.5	Apr. 8, 1973	do	Dec. 22, 1972
Amrex Construction Co., Inc.	Cayey	5.2	Apr. 9, 1973	do	Mar. 15, 1974
Bloques La Plata	Toa Baja	5.2, 5.5	do	do	Apr. 30, 1973
Rodfall Muebles	Saint Just	5.2, 5.5	do	do	Aug. 31, 1973
South Caribe Aggregates, Inc.	Juana Diaz	5.2, 5.5	do	do	June 30, 1973
Rexach Asphalt Corp.	Aguadilla	5.2	do	do	May 15, 1973
Bettersoads Asphalt Corp.	Sabana Grande	5.2	do	do	Dec. 31, 1973
Ponce Asphalt	Ponce	5.2	Apr. 8, 1973	do	Apr. 15, 1973
Puerto Rico Aggregates	Carolina	5.2	Apr. 5, 1973	do	July 31, 1973
Ibec Packing Co.	Mayaguez	5.5, 8	Apr. 8, 1973	do	Aug. 15, 1973
Rexach Concrete Corp.	Gurabo	5.2	Apr. 9, 1973	do	May 1, 1973
Omark Caribbean, Inc.	Bayamon	5.1, 5.5	Apr. 8, 1973	do	Nov. 30, 1973
Best Contracting Corp.	Rio Piedras	5.2	Apr. 5, 1973	do	Mar. 22, 1973
Bettersoads Asphalt Corp.	Rio Piedras	5.2	do	do	Nov. 30, 1973
Hormigonera, Inc.	Rio Piedras	5.1, 5.2, 5.5	do	do	Dec. 31, 1973
Aggregados Gurabo, Inc.	Gurabo	5.1, 5.2, 5.5	Apr. 8, 1973	do	Mar. 12, 1973
Rexach Aggregates Corp.	Caguas	5.1, 5.2, 5.5	Apr. 9, 1973	do	Feb. 28, 1973
Quality Concrete-Mix, Inc. (Sabana Seca)	Bayamon	5.1, 5.2, 5.5	do	do	June 15, 1973
Rexach Concrete Corp.	Aguirre	5.1, 5.2, 5.5	do	do	Apr. 1, 1973
Eli Lilly	Mayaguez	7.3	Apr. 8, 1973	do	Dec. 31, 1974
Tito Castro Ready Mix	Ponce	5.1, 5.2, 5.5	July 23, 1973	do	Aug. 22, 1973
Puerto Rico Concrete Products	Rio Piedras	5.2	July 5, 1973	do	Aug. 30, 1973
Ponce Concrete Products	Ponce	5.2	do	do	Aug. 31, 1973
Motors and Parts Distributors	Hato Rey	5.5	do	do	July 29, 1973
Hormigonera, Inc.	Rio Piedras	5.1, 5.2, 5.5	June 28, 1973	do	Dec. 31, 1973
Inabon Ready Mix	Coto Laurel	5.1, 5.2	do	do	Apr. 27, 1973

[FR Doc. 74-19509 Filed 8-23-74; 8:45 am]

[FRL 225-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Iowa and Missouri; Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

§ 52.2720 Identification of plan.

(c) Supplemental information was submitted by the Commonwealth of Puerto Rico Environmental Quality Board on April 5, April 9, April 17, May 30, June 18 and September 10, 1973, and on February 1 and February 12, 1974.

2. A new § 52.2724 is added as follows:

§ 52.2724 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the Commonwealth, unless otherwise noted.

the approved control strategies of Iowa and Missouri.

Accordingly, the Administrator proposed approval of these schedules on November 27, 1973, in the FEDERAL REGISTER (38 FR 32583). The proposed approval and disapproval of these schedules published in the November 27, 1973, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator finds approvable. Pursuant to 40 CFR 51.8, the Administrator approves the schedules listed below.

Certain schedules published as proposed disapproval notices for Missouri were sent back to Missouri for correction of deficiencies. Subsequently, the state notified the Environmental Protection Agency that some sources were now in compliance and the schedules would not be formally resubmitted for approval. The withdrawn schedules are for the following sources in Missouri: Harbinson Walker Refractories Company, Vandalia; Gooch Mill and Elevator Company, North Kansas City; St. Joe Minerals Corporation, Herculaneum; City of Joplin, Joplin; Homer Galbraith, Savannah; Kansas City Power and Light Company, Montrose. If the deficiencies in the remaining seven disapproved schedules are corrected they will be repropose at a later date.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the Federally approved State implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the Iowa schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, the Environmental Protection Agency's approval of each compliance schedule is unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule will not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that is Federally approved herein, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's

Immediately-effective regulation will again become Federally enforceable. The schedules were immediately effective on the date of adoption. An effective date is not indicated on the table. The variance expiration date is included instead.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedules, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance.

Two schedules, Iowa Limestone Company, Alden, and Iowa Power and Light Company, Council Bluffs Boiler Units 1 and 2, published as a proposed approval have been withdrawn by Iowa as in compliance and no further official action will be taken. Several schedules will be re-proposed at a later date due to changes in Variance Expiration Date or Final Compliance Date. These are: The Celotex Corporation, Dubuque; Interstate Power Company, Boiler No. 3, Lansing; Charlton Valley Foundry, Centerville; Martin-Marietta, Davenport; John Deere Waterloo Tractor Works, Waterloo; Bloomfield Foundry, Bloomfield; Iowa Southern Utilities Company, Boiler No. 2, Eddyville.

The compliance schedules that appeared in the November 27, 1973, FEDERAL REGISTER (38 FR 32586) were incorrectly proposed under § 52.828. These schedules are now promulgated under the correct section, § 52.825.

One Missouri schedule, Columbia Water and Light Department, is disapproved due to failure to meet the requirements of 40 CFR 51.15. In the November 27, 1973, FEDERAL REGISTER, under Subpart AA—Missouri, it was proposed to add a new § 52.1333. This was an error in numbering and has been corrected in this publication and properly appears as § 52.1335.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports, the compliance schedules, and the State Implementation Plans are available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

This approval action is effective August 26, 1974. The Agency finds that good cause exists for not deferring the effective date because the compliance schedules are already in effect under State law and Federal approval imposes no new burdens.

Dated: August 16, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Subpart O is amended by adding paragraph (c) to § 52.825 as follows:

Subpart O—Iowa

1. A new § 52.825(c) is added as follows:

§ 52.825 Compliance schedules.

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Clinton Engines Corp.: Cupola.....	Maquoketa.....	4.4(4)	July 12, 1973	Jan. 1, 1975	Jan. 1, 1975
Interstate Power Co.:					
(a) Boiler No. 5.....	Dubuque.....	4.3(2)b	do	July 13, 1974	June 1, 1975
(b) Boiler No. 6.....	do.....	4.3(2)b	do	do	Do.
Eastern Iowa Light & Power Co.:					
(a) Boiler No. 1.....	Wilton Junction.....	4.3(2)b	do	Mar. 31, 1975	Mar. 31, 1975
(b) Boiler No. 2.....	do.....	4.3(2)b	do	do	Do.
Muscataine Power & Water:					
(a) Boilers Nos. 5 and 6.....	Muscataine.....	4.3(2)b	do	May 1, 1975	May 1, 1975
(b) Boiler No. 7.....	do.....	4.3(2)b	do	Mar. 1, 1975	Mar. 1, 1975
Interstate Power Co.: Boiler No. 1.....	Clinton.....	4.3(2)b	Mar. 8, 1973	May 9, 1975	June 1, 1975
Interstate Power Co.:					
(a) Boiler No. 1.....	Lansing.....	4.3(2)b	May 11, 1972	do	Do.
(b) Boiler No. 2.....	do.....	4.3(2)b	do	do	Do.
Iowa Light and Power Co.:					
(a) Boilers Nos. 7, 8, and 9.....	Des Moines.....	4.3(2)b	July 12, 1973	July 13, 1974	Dec. 1, 1974
(b) Boiler No. 10.....	do.....	4.3(2)b	do	do	July 13, 1974
(c) Boiler No. 11.....	do.....	4.3(2)b	do	do	June 1, 1974
Gra-Iron Foundry Corp.: Cupola.....	Marshalltown.....	4.4(4)	Jan. 19, 1973	Nov. 15, 1974	Nov. 15, 1974
Clow Corp.: Cupola.....	Oskaloosa.....	4.4(4)	do	Oct. 15, 1974	Oct. 15, 1974
Iowa Southern Utilities Co.:					
(a) Boiler Unit No. 1.....	Eddyville.....	4.3(2)b	Apr. 13, 1972	Sept. 1, 1973	Sept. 1, 1973
(b) Boiler Unit No. 2.....	do.....	4.3(2)b	do	do	Dec. 1, 1974
Hawkeye Steel Products, Inc.: Cupola.....	Waterloo.....	4.4(4)a	July 12, 1973	Jan. 4, 1974	Jan. 4, 1974
Central Iowa Power Co-op:					
(a) Boiler No. 1.....	Creston.....	4.3(2)b	do	Nov. 1, 1973	Nov. 1, 1973
(b) Boiler No. 2.....	do.....	4.3(2)b	do	do	Do.

Subpart AA—Missouri

Part 52 of Chapter I, Subpart AA is amended by adding § 52.1335 as follows:

§ 52.1335 Compliance schedules.

(a) The compliance schedule for the

(c) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

MISSOURI					
Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Reycos Industries: Cupolas 7 and 8.....	Springfield.....	1	May 27, 1973	Immediately..	Aug. 1, 1973

1 Ch. 2A, Article VI, Sec. 2A-24(a) of Springfield City Code.

(b) The compliance schedule submitted for the source identified below is disapproved as not meeting the re-

quirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date adopted
Columbia Water & Light Department.....	Columbia.....	8-VI	Apr. 25, 1973

[FR Doc.74-19508 Filed 8-23-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 233-3]

PART 15-1—GENERAL

Subpart 15-1.57—Options

On May 7, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 16142-16145) which states that the Environmental Protection Agency was considering an amendment

to 41 CFR Chapter 15 to add a new subpart 15-1.57, Options.

Interested parties were invited to submit written data, views, or objections pertaining to the proposed amendment. No comments were received from the public. Comments received within the Agency suggested a few minor changes which are incorporated in the final regulation.

Effective Date: This amendment shall become effective August 26, 1974.

Dated: August 19, 1974.

ALAN G. KIRK II,
Acting Administrator.

Subpart 15-1.57—Options

- Sec.
 15-1.5700 Scope of subpart.
 15-1.5701 Definition of options.
 15-1.5702 Applicability.
 15-1.5703 Procedures.
 15-1.5704 Exercise of options.
 15-1.5705 Examples of option articles for fixed price type contracts.
 15-1.5706 Examples of option articles for cost reimbursement contracts.

AUTHORITY: 40 U.S.C. 486(c).

Subpart 15-1.57—Options

§ 15-1.5700 Scope of subpart.

This subpart applies to contracts for supplies and services other than for

(a) The construction, alterations, or repair of buildings, bridges, roads, or other kinds of real property,

(b) Research and development, or

(c) Contracts to be awarded on a cost reimbursement basis. However, it does not preclude the use of appropriate option provisions in such contracts. Where options are used in cost reimbursement contracts examples of suggested language is included in § 15-1.5706.

§ 15-1.5701 Definition of options.

As used in this subpart, an option is a provision in a contract under which, for a specified time, the Government may elect to purchase, at an established price or at a price that can be established by reference to some specific method of calculation which will make the price certain, additional quantities of the supplies or services called for by the contract, or may elect to extend the period of performance of the contract.

§ 15-1.5702 Applicability.

(a) Option clauses may be included in contracts where increased requirements within the period of contract performance are foreseeable, or where continuing performance beyond the original period of contract performance may be in the best interest of the Government. Since options require offerors to guarantee prices for definite periods of time with no guarantee that orders will be placed, their improper use could result in prices which are unfair to either the Government or the contractor. Option clauses may require that option quantities be offered at prices no higher than those for the initial quantities or they may allow option quantities to be offered without such limitation as to price. When additional requirements are foreseeable and subsequent competition would be impracticable because of such factors as production lead time and delivery requirements, the use of options which require prices no higher than those for the initial quantities may be preferable to later negotiating a price with the contractor (in lieu of exercising such an option) at a time when he is the only practical source. An option normally should not be used where it can reasonably be foreseen that (1) supplies will have to be procured at some future date in such a quantity that would constitute an economic production run, and (2) startup costs, production lead time, and probable delivery requirements would not preclude adequate future competition.

(b) Option provisions and clauses shall not be included in contracts when—

(1) The supplies or services being purchased are readily available on the open market, except that in the case of services, option clauses may be included for foreseeable requirements if the use of such option is considered to be in the best interest of the Government;

(2) The contractor would be required to incur undue risks; e.g., the price or availability of necessary materials or labor is not reasonably foreseeable;

(3) An indefinite quantity contract or requirements contract is appropriate except that options for continuing performance may be used in such contracts;

(4) Market prices for the supplies or services involved are likely to change substantially; or

(5) The option quantities represent known firm requirements for which procurement funds are available unless (i) the basic quantity is a learning or testing quantity and there is some uncertainty as to contractor or equipment performance and (ii) realistic competition for the option quantity is impracticable once the initial contract is awarded.

(c) When options are to be evaluated pursuant to § 15-1.5703(d), the total of the basic and option periods shall not exceed five years in the case of services, and the total of the basic and option quantities shall not exceed the requirements for five years in the case of supplies. This five year limitation shall not apply to Automatic Data Processing Equipment acquisitions; however, the basic option periods shall not exceed the approved systems life as defined in the Federal Property Management Regulations.

§ 15-1.5703 Procedures.

(a) When a contract is to contain an option clause, the solicitation must contain an appropriate option provision. If the contract is to be negotiated, the determination and findings shall set forth the approximate quantity to be awarded and the extent of the increase to be permitted by the option. The contract shall limit the additional quantities of supplies or services which may be procured, or the duration of the period for which performance of the contract may be extended, under the option and will fix the period within which the option may be exercised. This period shall be set so as to afford the contractor adequate notice of the requirement for performance under the option but with respect to service contracts the period for providing adequate notice may extend beyond the contract completion date when exercise of the option would obligate funds not available in the fiscal year in which the contract would otherwise be completed. In fixing the period within which the option may be exercised consideration shall be given to (1) necessary lead time in order to assure continuous production and (2) the time required for additional funding and other necessary approval action. The period specified for exercising the option shall in

all cases be kept to a minimum. When a solicitation contains an option which requires the offering of additional quantities of supplies at unit prices no higher than those for initial quantities, it shall provide that the option quantities shall not exceed 50 percent of the initial quantity. When unusual circumstances exist, however, the Chief, Contracts Operations Office or his designee may approve a greater percentage or quantity. The quantities and the period under option and the period during which the option may be exercised shall be justified and documented by the contracting officer in the contract file.

(b) Except as provided in paragraphs (c) and (d) of this section, solicitations containing option provisions shall state that evaluation will be on the basis of the quantity to be awarded exclusive of the option quantity.

(c) When it is anticipated that the Government may exercise the option at time of award, the solicitation shall include an Evaluation of Options provision substantially as follows:

EVALUATION OF OPTIONS

If the Government elects to exercise an option simultaneously with award, bids or proposals will be evaluated for purposes of award on the basis of the total price for the basic quantity and the option quantity exercised with award.

(d) In firm fixed price contracts, the option quantity may be considered in the evaluation for award if, before issuance of the solicitation, it has been determined at a level higher than the contracting officer that:

(1) There is a known requirement which exceeds the basic quantity to be awarded, but either (i) the basic quantity is a learning or testing quantity and there is some uncertainty as to contractor or equipment performance, or (ii) due to the unavailability of funds, the option cannot be exercised at the time of award of the basic quantity provided that in this latter case there is reasonable certainty that funds will be available thereafter to permit exercise of the option; and

(2) (i) Realistic competition for the option quantity is impracticable once the initial contract is awarded and hence it is in the best interests of the Government to evaluate options in order to eliminate the possibility of a buy-in. This determination shall be based on factors such as, but not limited to, substantial start-up or phase-in costs, superior technical ability resulting from performance of the initial contract, and long preproduction lead time for a new producer.

(ii) In such cases, the solicitation shall contain an Evaluation of Options provision substantially as follows:

EVALUATION OF OPTIONS

Bids and proposals will be evaluated for purposes of award by adding the total price for all option quantities to the total price for the basic quantity. Evaluation of options will not obligate the Government to exercise the option or options.

Any bid or proposal which is materially unbalanced as to prices for basic and op-

tion quantities may be rejected as non-responsive. An unbalanced bid or proposal is one which is based on prices significantly less than cost for some work and prices which are significantly overstated for other work.

(e) Solicitations which allow the offer of option quantities at unit prices which differ from the unit prices for the basic contract quantities shall also state that varying prices may be offered for the option quantities depending on the quantities actually ordered and the date or dates when ordered. However, if the solicitation contains an Evaluation of Options provision pursuant to paragraphs (c) and (d) of this section, it shall also specify the price at which the options will be evaluated (e.g., highest option price offered or option price for specified quantities or dates).

(f) Where exercise of the option would result in increased quantities of supplies, the option may be expressed in terms of (1) percentage of specific contract line items, (2) a number of additional units of specific contract line items, or (3) additional numbered line items identified as the option quantity with the same nomenclature as line items initially included in the contract. Where exercise of the option would result in an increase in the performance of services by the contractor, the option may similarly be expressed in terms of percentages, increase in specific line items, or additional numbered line items, expressed in terms of the units of work initially used in the contract such as man hours, man years, square feet, pounds or tons handled. Where exercise of the option would result in an extension of duration of the contract, the option may be expressed in terms of an extended terminal date or of an additional time period, such as days, weeks, or months.

§ 15-1.5704 Exercise of options.

(a) The exercise of an option by the Government requires the contracting officer's written notification to the contractor within the time period specified in the contract.

(b) Where the contract provides for price escalation and the contractor requests revision of price pursuant to such provision, or the provision applies only to the option quantity, the effect of escalation on prices under the option must be ascertained before the option is exercised.

(c) Options should be exercised only if it is determined that—

- (1) Funds are available;
- (2) The requirement covered by the option fulfills an existing need of the Government; and
- (3) The exercise of the option is most advantageous to the Government, price and other factors considered.

(d) Insofar as price is concerned, the determination under paragraph (c) (3) of this section shall be made on the basis of one of the following:

- (1) A new solicitation fails to produce a better price than that offered by the option. When the contracting officer an-

ticipates that the option price will be the best price available, he should not use this method of testing the market but should use one of the methods in paragraph (d) (2), (3), or (4) of this section.

(2) An informal investigation of prices, or other examination of the market indicates clearly that a better price than that offered by the option cannot be obtained.

(3) The time between the award of the contract containing the option and the exercise of the option is so short that it indicates the option price is the lowest price obtainable, considering such factors as market stability and a comparison of the time since award with the usual duration of contracts for such supplies and services.

(4) Established prices are readily ascertainable and clearly indicate that formal advertising or informal solicitation can obviously serve no useful purpose.

(e) Insofar as the "other factors" mentioned in paragraph (c) (3) of this section are concerned, the determination should, among other things, take into account the Government's need for continuity of operations and potential costs to the Government of disrupting operations, including the cost of relocating necessary Government furnished equipment (as, for example, in certain repair and overhaul contracts for complex equipment).

(f) When it has been determined that an option may properly be exercised in accordance with the principles set forth herein, such determination shall be set forth in writing and made a part of the contract file. Written notification to the contractor of the exercise of the option and any contract modification resulting therefrom shall cite the option article contained in the original contract as authority for the procurement of the option quantity; and no citation under 41 U.S.C. 252(c) is required.

§ 15-1.5705 Examples of option articles for fixed price type contracts.

(a) An article in the contract schedule substantially as follows may be used when it is desired to express the option quantity as a percentage of the basic contract quantity or as an additional quantity of a specific line item, without separate pricing of the option quantity.

OPTION FOR INCREASED QUANTITY

The Government may increase the quantity of supplies called for herein by any amount of units up to [specify a quantity or a percentage of the basic quantity] at the unit price specified in the contract. The Contracting Officer may exercise this option by giving written notice of the Government's exercise of the option to the Contractor not later than [specify a date certain or a number of days before the last delivery date under the basic contract]. Delivery of the items added by the exercise of this option shall continue immediately after, and at the same rate as, delivery of like items called for under this contract [this sentence may be appropriately modified to reflect agreement of the parties on delivery terms].

(b) A schedule article substantially as follows may be used where the con-

tract identifies the option quantity as a separately priced line item having the same nomenclature as a corresponding basic contract line item.

OPTION TO INCREASE QUANTITY—LINE ITEM

The Government may increase the quantity of supplies called for herein by requiring the delivery of the numbered line item identified in the Schedule as an option item, in the quantity and at the price set forth therein. The Contracting Officer may exercise this option by giving written notice of the Government's exercise of such option to the Contractor not later than [specify a date certain or a number of days before the last delivery date under the basic contract]. Delivery of the items added by the exercise of this option shall continue immediately after, and at the same rate as, delivery of like items called for under this contract [this sentence may be appropriately modified to reflect agreement of the parties on delivery terms].

(c) An article substantially as follows may be used to provide for continuing performance of the contract beyond its original term.

OPTION TO EXTEND THE TERM OF THE CONTRACT

This contract may be extended for a period of ----- [days, months, years] at the option of the Government, by the Contracting Officer giving written notice of the Government's exercise of such option to the Contractor not later than the last day of the term of the contract; provided, that such notice shall have no effect if given less than 60 days prior to the last day of the term of the contract unless the Contracting Officer has given preliminary written notice of an intent to exercise such option at least sixty (60) days prior to the last day of the term of the contract (such preliminary notice shall not be construed as an exercise of the option, and will not bind the Government to exercise the option). If the Government exercises such option, the contract as extended shall be deemed to include this option provision; provided, however, that the total duration of this contract, including the exercise of any options under this clause, shall not exceed ----- months. [State terms for pricing of performance under the option e.g., by inclusion of same price as basic quantity, an escalation provision, definitive option price set forth elsewhere in this contract.]

§ 15-1.5706 Examples of option articles for cost reimbursement contracts.

(a) The following may be used as the article which defines an option, when the contract is a Cost Only Term Form, not involving the use of task orders. The article may be used, with appropriate modification, when the contract involves payment of fee.

OPTION TO EXTEND THE TERM OF THE CONTRACT

1. At the option of the Government, this contract may be extended, by the Contracting Officer giving written notice of extension to the Contractor prior to the expiration date of this contract; provided, that the Contracting Officer shall have given preliminary notice of the Government's intention to extend not later than the last day of the term of this contract; provided, that such notice shall have no effect if given less than sixty (60) days prior to the last day of the term of this contract unless the Contracting Officer has given preliminary written notice of an intent to exercise such option at least sixty (60) days prior to the last day of the

term of the contract (such preliminary notice shall not be construed as an exercise of the option, and will not bind the Government to exercise the option). If the Government exercises such option, the contract as extended shall be deemed to include this option provision; provided, however, that the total duration of this contract, including the exercise of any options under this clause, shall not exceed _____ months. [State terms for pricing of performance under the option, e.g., by inclusion of the same price as for the basic period, definitive option price set forth elsewhere in this contract, escalation provision, etc.]

2. In the event that the contract is extended in accordance with paragraph 1 of this Article, the Contractor shall continue the effort described in ARTICLE I—SCOPE OF WORK, during the _____ () month period immediately following that set forth in ARTICLE _____ PERIOD OF PERFORMANCE. The parties hereto agree that upon issuance of the order exercising this option, the following modifications will be made to the contract schedule, in effect as of the date that such issuance is made:

(i) The period of performance specified in ARTICLE _____ PERIOD OF PERFORMANCE will be increased by _____ months.

(ii) The estimated cost specified in ARTICLE _____ ESTIMATED COST will be increased by \$_____.

(b) The following may be used as the article which defines an option, where the contract is a CPFF Completion Form which contains a separate scope of work for the optional effort.

OPTION FOR INCREASED SCOPE OF WORK

1. At the option of the Government, the Scope of Work of this contract may be increased to include the work set forth in [Exhibit B] attached hereto and hereby made a part hereof. This option shall be exercised by the issuance of an order by the Contracting Officer citing the authority of this article. This option may be exercised at any time within [_____ months, days] from the effective date of this contract.

2. The parties hereto agree that upon issuance of the order exercising this option, the following modifications will be made to the contract schedule in effect as of the date such issuance is made:

(i) ARTICLE I—SCOPE OF WORK will be modified to incorporate [Exhibit B] attached hereto, into this contract.

(ii) The period of performance specified in ARTICLE _____ PERIOD OF PERFORMANCE will be increased by _____ [months, days].

(iii) The Estimated Cost, Fixed Fee, and Total Cost Plus Fixed Fee specified in ARTICLE _____ will be increased by \$_____, \$_____, and \$_____ respectively.

(c) The following may be used as the article which defines an option, when the contract is a Cost Plus Fixed Fee (CPFF) Term Form involving the issuance of task orders.

OPTION TO EXTEND THE TERM OF THE CONTRACT

1. At the option of the Government, this contract may be extended by the Contracting Officer giving written notice of extension to the Contractor prior to the expiration date of this contract; provided, that such notice shall have no effect if given less than sixty (60) days prior to the last day of the term of the contract unless the Contracting Officer has given preliminary notice of the Government's intention to extend at least sixty (60) days before this contract is to expire. (Such a preliminary notice will not

be deemed to commit the Government to renewals.)

2. If this option is exercised, the Contractor shall provide approximately _____ manhours of additional direct labor in pursuit of the effort described in ARTICLE I—SCOPE OF WORK, during the _____ () month period immediately following that set forth in ARTICLE _____ PERIOD OF PERFORMANCE. The parties hereto agree that upon issuance of the order exercising this option, the following modifications will be made to the contract schedule, in effect as of the date that such issuance is made:

(i) The period of performance specified in ARTICLE _____ PERIOD OF PERFORMANCE, will be increased by _____ () months.

(ii) ARTICLE _____ LEVEL OF EFFORT, will be increased from "approximately _____ manhours" to "approximately _____ manhours" and the last sentence of Paragraph A will be changed to read "not less than _____ nor more than _____ manhours."

(iii) The Estimated Cost, Fixed Fee, and Total Cost Plus Fixed Fee specified in ARTICLE _____ will be increased by \$_____, \$_____, and \$_____ respectively.

(d) The period of performance for the option shown in Paragraph 2 of the suggested articles may be adjusted to conform to the requirement. Additional optional periods may be included beyond the first option period provided: However, that consideration is given to the prohibitions contained in § 15-1.5702(b) and, the restrictions concerning renewal of Basic Ordering Agreements and Level of Effort Task Order Type Contracts contained in EPA Order of that title.

[FR Doc.74-19641 Filed 8-23-74; 8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER F—MARINE ENGINEERING

[CGD 73-248]

MARINE ENGINEERING

Clarification Amendments

The purpose of the amendments in this document is to make grammatical correction to and to clarify the intent of certain marine engineering regulations.

A notice of proposed rulemaking appeared in the December 11, 1973 issue of the FEDERAL REGISTER (38 FR 34122) that proposed the following corrections to Subchapter F of Title 46, Code of Federal Regulations:

1. Change in § 50.15-20(a)(11) the address for the Marine Department of Underwriter's Laboratories, Inc. which has moved to Florida.

2. Complete the first sentence in § 50.25-35(a).

3. Add to the heading of § 56.60-1 the words "and modifies Table 126.1 in ANSI-B 31.1" to agree with the reference in Table 56.01-5(a).

4. In Table 56.60-1, add the footnote designator "4" to the ASTM specifications A 53 and A 72, and change the reference in footnote 4 to read "§ 56.60-2(b)".

5. In Table 56.60-1(a), add verbs to

the second and fourth sentences of footnote 14.

6. In Table 56.60-1(a), substitute the word "limitations" for the word "rating" in the third sentence of footnote 14 to agree with the text in UCN 3 in section VIII of the ASME Code.

7. In Table 56.60-2(a), strike the reference to § 105.2.1 of ANSI-B 31.1 in footnote 1 because it has not been adopted by the Coast Guard.

8. In Table 56.60-2(a), revoke footnote 6 because the alloy to which it refers was eliminated in the June 17, 1970 issue of the FEDERAL REGISTER (35 FR 9979).

9. Amend § 61.15-5(b) to expunge the unintended requirement that a pipe with a nominal size of 3 inches or less be subject to a hydrostatic test.

The following amendments for clarification of the regulations in Subchapter F were also proposed:

1. Indicate that the requirements in § 54.05-20 apply only to the materials described in § 54.25-10(b)(1).

2. Indicate in the introductory note of Table 56.60-1(a) that the materials listed apply to inside heat exchangers.

3. Reflect in the heading of § 56.60-1 that its provisions modify Table 126.1 of ANSI-B 31.

4. Combine and rewrite the first two sentences of § 56.60-2(a).

5. Add in § 56.60-2(b)(2) a cross-reference to § 56.10-5(b) because that section contains material limitations.

6. Indicate in the heading of § 56.60-5 that the requirement is concerned with carbide phase conversion.

In the January 15, 1974 issue of the FEDERAL REGISTER (39 FR 1861) corrections of printing errors in the proposal were published.

No comments were received on the proposed amendments. Accordingly, the proposal is hereby adopted subject to the corrections published on January 15, 1974. As adopted, the regulations are set forth below.

Effective date. These amendments are effective on August 26, 1974.

Dated: August 16, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

PART 50—GENERAL PROVISIONS

Title 46 CFR Subchapter F is amended as follows:

1. By revising § 50.15-20(a)(11) to read as follows:

§ 50.15-20 Additional standards.

(a) * * *

(11) Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Blvd., Tampa, Florida 33619.

2. By revising § 50.25-35 to read as follows:

§ 50.25-35 Fluid conditioner fitting.
Nonstandard fluid conditioner fittings which due to their size, service, or op-

erating condition, as specified in § 56.15-1 (e) (1) and (f) of this chapter are subject to the requirements of Part 54 of this chapter (except for stamping and shop inspection), shall not be acceptable to the Coast Guard as affidavit products as allowed in this subpart, or listed in CG-190, "Equipment Lists." Other nonwelded fluid conditioner fittings are listed in CG-190.

PART 54—PRESSURE VESSELS

3. By revising the text of § 54.05-20 to read as follows (Table 54.05-20(a) is not affected by this revision):

§ 54.05-20 Impact test properties for service temperature of 0°F to -70°F.

The minimum impact energies of each set of longitudinal Charpy specimens of the material described in § 54.25-10(b) (1) of this chapter must be at least the values contained in Table 54.25-10(a).

PART 56—PIPING SYSTEMS AND APPURTENANCES

4. The heading of § 56.60-1 is revised to read as follows:

§ 56.60-1 Acceptable materials and specifications (replaces § 123 and modifies Table 126.1 in ANSI-B31.1).

5. The table in § 56.60-1(a) is amended as follows:

a. By amending the introductory note by striking out the words "within heat exchangers" and inserting the words "inside heat exchangers that insure containment of the material inside a pressure shell" in place thereof.

b. By adding footnote designator "4" in the column headed "Notes" to the ASTM specifications A53 and A72.

c. By amending footnote 4 by striking the words "introduction to Table 56.60-1(a) in paragraph (a) of this section" and inserting "§ 56.60-2(b)" in place thereof.

d. By amending footnote 14 as follows:

1. By amending the second sentence by inserting the word "is" to follow the words "ductile iron".

2. By amending the third sentence by striking out the word "ratings" and inserting the word "limitations" in place thereof.

3. By amending the fourth sentence by inserting the word "are" to follow the words "of cast iron".

e. By amending footnote 16 by striking "105.2.2 of ANSI-B31.1" in the third sentence and inserting "§ 56.10-5(c) of this chapter" in place thereof.

§ 56.60-2 [Amended]

6. Amend § 56.60-2 as follows:

a. By striking the first two sentences of paragraph (a) and inserting the following sentence in place thereof:

"The maximum stress in the materials listed in Table 56.60-1(a) must be 80 percent of the value contained in the designated source of allowable stress values, unless the dynamic effect is accounted for in the design in accordance

with the requirement contained in § 56.07-10(c) of this chapter".

b. By adding the words "or by the requirements contained in § 56.10-5(b) of this chapter" to follow the reference "Table 56.60-1(a)" in paragraph (b) (2).

7. Amend Table 56.60-2(a) as follows:

a. By striking the words "105.21 of ANSI-B31.1 and" in footnote 1.

b. By revoking footnote 6.

§ 56.60-5 [Amended]

8. Adding the words "(High temperature applications)" to the heading of § 56.60-5.

PART 61—PERIODIC TESTS AND INSPECTIONS

9. By amending § 61.15-5 by striking the 4th sentence in paragraph (b) and inserting the following words: "A pipe with a nominal size of 3 inches or less is not required to be hydrostatically tested."

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), Sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b) (1)); 49 CFR 1.46(b))

[FR Doc. 74-19733 Filed 8-23-74; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SO-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Selma, Ala., control zone.

The Selma control zone is described in § 71.171 (39 FR 354 and 3551). In the description, reference is made to "Craig TACAN." The Craig TACAN has been replaced with the "Cahaba VORTAC." It is necessary to alter the control zone description to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (39 FR 354), the Selma, Ala., control zone (39 FR 3551) is amended as follows:

"* * * Craig TACAN * * *" is deleted and "* * * Cahaba VORTAC * * *" is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on August 16, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc. 74-19644 Filed 8-23-74; 8:45 am]

[Airspace Docket No. 74-SO-84]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Elizabeth City, N.C., control zone.

The Elizabeth City control zone is described in § 71.171 (39 FR 354). In the description, there is a proviso that excludes the portion within a 1-mile radius of Elizabeth City Municipal Airport. Since this airport has been abandoned, there is no longer any requirement for this exclusion. It is necessary to alter the control zone description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (39 FR 354), the Elizabeth City, N.C., control zone is amended as follows:

"* * * north of the VOR; excluding the portion within a 1-mile radius of Elizabeth City Municipal Airport (latitude 36°14'45" N., longitude 76°15'35" W.) * * *" is deleted and "* * * north of the VOR * * *" is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on August 15, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 74-19645 Filed 8-23-74; 8:45 am]

[Airspace Docket No. 74-WA-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of Names for Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change certain reporting point names to five-letter words and to add geographic coordinates to some of their descriptions.

To simplify the coding system for reporting points, the Federal Aviation Administration (FAA) is assigning five-letter names to those reporting points in Part 71 that are not collocated with navigation facilities. The same five letters serve as the reporting point name, location identifier and computer code. Geographic coordinates are added to amplify the description of some reporting points.

Since the identifying names of reporting points and the descriptions of their locations are minor matters in which the public is not particularly interested, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations

is amended, effective 0901 GMT, November 7, 1974, as hereinafter set forth.

a. § 71.203 (39 FR 620) is amended as follows:

1. "Amzie INT: INT Bangor 146° radial and centerline of control 1143." is deleted and "AMZIE: INT Bangor, Maine, 146° radial, centerline of Control 1143." is substituted therefor.

2. "Bolton INT: INT Myrtle Beach, S.C., 031° and Wilmington, N.C., 276° radials." is deleted and "BOGLE: INT Myrtle Beach, S.C., 031°, Wilmington, N.C., 276° radials." is added.

3. "Charlo INT: INT Mullan Pass, ID., 089°, Kalispell, Mt., 177° radials." is deleted and "CHARL: Lat. 47°28'21" N., Long. 114°07'19" W. (a. INT Mullan Pass, Idaho, 089°, Kalispell, Mont., 177° radials, b. Mullan Pass, Idaho, 089° radial, 62 NM from Mullan Pass)." is added.

4. "Charlo DME INT: Mullan Pass, ID., VORTAC 089° radials, 62 nautical miles from Mullan Pass VORTAC." is deleted.

5. "Coalfax INT: INT Johnston, Pa., 093°, St. Thomas, Pa., 358° radials." is deleted and "COFAX: INT Johnston, Pa., 093°, St. Thomas, Pa., 358° radials." is added.

6. "Cooksburg, Pa. INT: INT Clarion, Pa., 044° and Franklin, Pa., 099° radials." is deleted and "COOBE: INT Clarion, Pa., 044°, Franklin, Pa., 099° radials." is added.

7. "Edgerton INT: INT Fort Wayne, Ind., 039°, Waterville, Ohio, 273° radials." is deleted and "EDGE: INT Fort Wayne, Ind., 039°, Waterville, Ohio, 273° radials." is substituted therefor.

8. "Flint Stone INT: INT of Kessel, W. Va., 038°, Martinsburg, W. Va., 297° radials." is deleted and "FLINT: INT Kessel, W. Va., 038°, Martinsburg, W. Va., 297° radials." is substituted therefor.

9. "Garrett INT: INT Goshen, Ind., 108°, Ft. Wayne, Ind., 016° radials." is deleted and "GAREN: INT Goshen, Ind., 108°, Ft. Wayne, Ind., 016° radials." is substituted therefor.

10. "Garrison INT: INT Drummond, Mont., 092°, Butte, Mont., 002° radials." is deleted and "GARRI: INT Drummond, Mont., 092°, Butte, Mont., 002° radials." is substituted therefor.

11. "Gill INT: INT Jefferson, Ohio, 279°, Cleveland, Ohio, 024° radials." is deleted and "GILLS: INT Jefferson, Ohio, 279°, Cleveland, Ohio, 024° radials." is substituted therefor.

12. "Grant INT: INT Atlanta, Ga., 180° and Columbus, Ga., 068° radials." is deleted and "GRANT: INT Atlanta, Ga., 180°, Columbus, Ga., 068° radials." is substituted therefor.

13. "Heflin INT: Rex, Ga., 270° and LaGrange, Ga., 342° radials." is deleted and "HEFLIN: INT Rex, Ga., 270°, LaGrange, Ga., 342° radials." is substituted therefor.

14. "Leslie INT: Salem, Mich., 273°, Lansing, Mich., 159° radials." is deleted and "LESSY: INT Salem, Mich., 273°, Lansing, Mich., 159° radials." is substituted therefor.

15. "Madison INT: INT Rex, Ga., 090° and Athens, Ga., 192° radials." is deleted and "MADDI: INT Rex, Ga., 090°, Athens, Ga., 192° radials." is substituted therefor.

16. "Millston INT: INT Eau Claire, Wis., 134° and Nodine, Minn., 055° radials." is deleted and "MILTO: INT Eau Claire, Wis., 134°, Nodine, Minn., 055° radials." is substituted therefor.

17. "Nelson INT: INT Atlanta, Ga., 003° and Chattanooga, Tenn., 127° radials." is deleted and "NELLO: INT Atlanta, Ga., 003°, Chattanooga, Tenn., 127° radials." is substituted therefor.

18. "Saybrook INT: INT Carmel, N.Y., 093°, Riverhead, N.Y., 046° radials." is deleted and "SAYBO: INT Carmel, N.Y., 093°, Riverhead, N.Y., 046° radials." is substituted therefor.

19. "Scipio INT: INT Syracuse, N.Y., 210° and Georgetown, N.Y., 273° radials." is deleted and "SCIPO: INT Syracuse, N.Y., 210°, Georgetown, N.Y., 273° radials." is substituted therefor.

20. "Stacy INT: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials." is deleted and "STACY: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials." is substituted therefor.

b. § 71.207 (39 FR 627, 6058, 29073) is amended as follows:

1. "Croaker INT: INT Norfolk, Va., 088° and Sea Isle, N.J., 146° radials." is deleted.

2. "Croaker DME INT: Norfolk, Va., VORTAC 088° radials, 154 nautical miles from Norfolk VORTAC." is deleted.

3. "Davey INT: INT Yarmouth, Nova Scotia, 230° and Bangor, Maine, 152° radials." is deleted and "DAVES: INT Yarmouth, Nova Scotia, 230°, Bangor, Maine, 152° radials." is substituted therefor.

4. "Kan, Tex.: Lat. 26°00'00" N., Long. 96°35'26" W. (INT Hobby, Tex., 198° radial and Houston Oceanic CTA/FIR boundary)." is deleted and "KANNA: Lat. 26°00'00" N., Long. 96°35'26" W. (INT Hobby, Tex., 198° radial, Houston Oceanic CTA/FIR boundary)." is substituted therefor.

5. "Tuna DME INT: Kennedy, N.Y., VORTAC 143° radial, 128 nautical miles from Kennedy VORTAC." is deleted.

c. § 71.209 (39 FR 630, 16440, 28419, 31000, 31287) is amended as follows:

1. "Alaska INT: INT Ponce, P.R., 181°, St. Croix, P.R., 4, 243° radials." is deleted and "ALASKA: Lat. 16°49'30" N., Long. 66°32'27" W. (INT Ponce, P.R., 181°, St. Croix, V.I., 243° radials)." is substituted therefor.

2. "Albacore INT: INT 191° bearing Galveston, TX., RBN, 097° bearing Corpus Christi, TX., RBN at latitude 27°33' N., longitude 95°08' W." is deleted and "ALLBA: Lat. 27°32'05" N., Long. 95°08'52" W. (INT Galveston, Tex., NDB 191°, Corpus Christi, Tex., NDB 097° bearings)." is substituted therefor.

3. "Azalea INT: INT Charleston, S.C., 109°, Wilmington, N.C., 189° radials. Azalea INT: INT 188° bearing Wilmington (Carolina Beach), N.C., RBN, 110° bearing Ashley, S.C., RBN." is deleted and "AZANA: Lat. 32°23'32" N., Long. 78°14'57" W. (a. INT Charleston, S.C., 108°, Wilmington, N.C., 189° radials, b. INT Carolina Beach, N.C., NDB 188°, Ashley, S.C., NDB 110° bearings)." is substituted therefor.

4. "Barracuda INT: INT 055° bearing Satellite, Fla., RBN, 008° bearing Bimini, Bahamas, RBN." is deleted and "BARON: Lat. 29°17'15" N., Long. 78°44'35" W. (INT Satellite, Fla. NDB 055°, Bimini, Bahamas, NDB 008° bearings)." is substituted therefor.

5. "Bass INT: INT 133° bearing Weeksville, N.C., (Navy) RBN, W boundary New York Oceanic Control Area, at latitude 34°26' N., longitude 73°51' W." is deleted and "BACUS: Lat. 34°26'41" N., Long. 73°50'36" W. (INT Weeksville, N.C., NDB 133° bearing and New York Oceanic CTA/FIR boundary)." is added.

6. "Bonita INT: INT 208° bearing New Orleans, La., RBN and 110° bearing Galveston, Texas, RBN, at latitude 28°15' N., longitude 91°27' W." is deleted and "BOGGY: Lat. 28°15'00" N., Long. 91°27'47" W. (INT New Orleans, La. NDB 208°, Galveston, Tex., NDB 110° bearings)." is added.

7. "Brim INT: INT 227° Grand Isle, La., RBN, 108° bearing Galveston, Tex., RBN at latitude 28°15' N., longitude 91°13' W." is deleted and "BRIMS: Lat. 28°15'00" N., Long. 91°12'35" W. (INT Grand Isle, La., NDB 227°, Galveston, Tex., NDB 108° bearings)." is substituted therefor.

8. "Carp INT: INT direct line between Carolina Beach (Wilmington), N.C., RBN, Nassau, British West Indies, RBN 090° bearing Dinsmore, Fla., RBN." is deleted and "CARPS: Lat. 30°24'07" N., Long. 77°44'00" W. (INT Dinsmore, Fla., NDB 090° bearing and a line from Carolina Beach, N.C., NDB direct to Nassau, B.W.I., NDB)." is substituted therefor.

9. "Catfish INT: INT 220° Grand Isle, La., RBN, 107° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°58' W." is deleted and "CATFI: Lat. 28°15'00" N., Long. 90°57'52" W. (INT Grand Isle, La., NDB 220°, Galveston, Tex., NDB 107° bearings)." is substituted therefor.

10. "Cod INT: INT of Nantucket, Mass., RBN 089° bearing and the W boundary of New York Oceanic Control Area at latitude 41°16'50" N., longitude 68°00'00" W." and "Cod INT: INT Nantucket, Mass., 089° radial and the W boundary of New York Oceanic Control Area." and "Cod DME INT: INT Nantucket, Mass., VORTAC 089° radial, 92 NM from Nantucket VORTAC." is deleted and "CODDS: Lat. 41°16'36" N., Long. 68°00'00" W. (a. INT Nantucket, Mass., NDB 089° bearing and New York Oceanic CTA/FIR boundary, b. INT Nantucket, Mass., 089° radial and New York Oceanic CTA/FIR boundary, c. Nantucket, Mass., 089° radial, 92 NM from Nantucket)." is added.

11. "Crab INT: INT Sarasota, Fla., 286°, Tallahassee, Fla., 187° radials." is deleted and "COVIA: Lat. 27°56'10" N., Long. 84°44'10" W. (INT Sarasota, Fla., 286°, Tallahassee, Fla., 187° radials)." is substituted therefor.

12. "Crab INT: INT 188° bearing Wakulla, Fla., RBN, 284° bearing Egmont Key, Fla., RBN." is deleted and "CRABI: Lat. 28°01'14" N., Long. 84°43'24" W. (INT Wakulla, Fla., NDB, 188°, Egmont Key, Fla., NDB 284° bearings)." is substituted therefor.

13. "Croaker INT: INT of 073° bearing Weeksville, N.C., RBN, and the west boundary of New York Oceanic Control Area at latitude 36°57'20" N., longitude 73°00'00" W." is deleted and "CROAK: Lat. 36°57'18" N., Long. 73°00'00" W. (a. INT Weeksville, N.C., NDB 073° bearing and New York Oceanic CTA/FIR boundary, b. INT Norfolk, Va., 088°, Sea Isle, N.J., 146° radials, c. Norfolk, Va., 088° radial, 154 NM from Norfolk)." is substituted therefor.

14. "Dolphin INT: INT 177° bearing Grand Isle, La., RBN, 103° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°02' W." is deleted and "DOLPH: Lat. 28°15'00" N., Long. 90°01'09" W. (INT Grand Isle, La., NDB 177°, Galveston, Tex., NDB 103° bearings)." is substituted therefor.

15. "Drake INT: Ponce, Puerto Rico 206° radial, 62 NM from Ponce." is deleted and "DAKES: Lat. 17°03'00" N., Long. 67°00'00" W. (Ponce, Puerto Rico 206°, St. Croix, V.I., 253° radials)." is substituted therefor.

16. "Ear Shell INT: INT 140° bearing Galveston, Tex., RBN, 255° bearing Grand Isle, La., RBN, at latitude 28°15' N., longitude 93°45' W." is deleted and "EARNES: Lat. 28°15'00" N., Long. 93°44'55" W. (INT Galveston, Tex., NDB 140°, Grand Isle, La., NDB 255° bearings)." is substituted therefor.

17. "Fallfish INT: INT 153° bearing Grand Isle, La., RBN, 223° bearing Pensacola, Fla., RBN, at latitude 28°15' N., Longitude 89°34' W." is deleted and "FLASH: Lat. 28°15'00" N., NDB 153°, Pensacola, Fla., RBN 223° bearings)." is substituted therefor.

18. "Florida INT: INT 149° bearing San Juan, P.R., RBN, St. Croix, P.R., 220° radials." is deleted and "FLORI: Lat. 16°53'47" N., Long. 65°25'56" W. (San Juan, P.R., NDB 149° and St. Croix, V.I., NDB 220° radials)." is substituted therefor.

19. "Gateway INT: INT 090° bearing Dinsmore, Fla., RBN, 188° bearing Wilmington

(Carolina Beach), N.C., RBN." is deleted and "GAUGE: Lat. 30°25'29" N., Long. 78°33'57" W. (INT Dinsmore, Fla., NDB 090°, Carolina Beach, N.C., NDB 188° bearings)." is added.

20. "Gateway Cedar INT: INT Hoquiam, Wash., 232° radial, E boundary Oakland Oceanic Control Area at latitude 45°30'35" N., longitude 126°43'10" W." is deleted and "SEDAR: Lat. 45°30'28" N., Long. 126°42'59" W. (INT Hoquiam, Wash., 232° radial and Oakland Oceanic CTA/FIR boundary)." is added.

21. "Gateway Hemlock INT: INT Newport, Oreg., 237° radial, east boundary Oakland Oceanic Control Area at latitude 43°18'08" N., longitude 126°40'46" W." is deleted and "HEMLO: Lat. 43°18'08" N., Long. 126°40'46" W. (INT Newport, Oreg., 237° radial and Oakland Oceanic CTA/FIR boundary)." is added.

22. "Gateway Pine INT: INT San Luis Obispo, Calif., 242° radial, east boundary Oakland Oceanic Control Area at latitude 34°12'42" N., longitude 123°03'20" W." is deleted and "GATES: Lat. 34°12'53" N., Long. 123°03'27" W. (INT San Luis Obispo, Calif., 242° radial and Oakland Oceanic CTA/FIR boundary)." is added.

23. "Haddock INT: INT rhumb line Nantucket, Mass., RBN to Kindley AFB, Bermuda, RBN W boundary New York Oceanic Control Area at latitude 39°50'00" N., longitude 69°14'30" W. Haddock INT: INT Nantucket, Mass., 157° radial and the W boundary of New York Oceanic Control Area. Haddock DME INT: INT Nantucket, Mass., VORTAC 157° radial, 95 NM from Nantucket VORTAC." is deleted and "HADDY: Lat. 39°50'00" N., Long. 69°15'39" W. (a. INT Nantucket, Mass., NDB rhumb line to Bermuda NDB and New York Oceanic CTA/FIR boundary. b. INT Nantucket, Mass., NDB 157° radial, New York Oceanic CTA/FIR boundary. c. Nantucket, Mass. 157° radial, 94 NM from Nantucket)." is added.

24. "Halibut INT: INT 008° bearing Bimini, Bahamas, RBN, 090° bearing Rubin, Fla., RBN." is deleted and "HALBI: Lat. 26°41'00" N., Long. 79°08'05" W. (INT Bimini, Bahamas, NDB 008°, Rubin, Fla., NDB 090° bearings)." is added.

25. "Herring INT: INT Nantucket, Mass., 066° radial with longitude 67°47'30" W. (latitude 42°00'30" N., longitude 67°47'30" W.)" is deleted and "HERIN: Lat. 42°00'09" N., Long. 67°47'30" W. (INT Nantucket, Mass., 066° radial, Long. 67°47'30" W.)" is substituted therefor.

26. "Hobe INT: INT of 014° bearing Rubin, Fla., RBN and Orlando, Fla., 066° radial." is deleted and "HOBEE: Lat. 29°15'49" N., Long. 79°28'08" W. (INT Rubin, Fla., NDB 014° bearing, Orlando, Fla., 066° radial)" is substituted therefor.

27. "Idaho INT: INT Ramey AFB, P.R., 326° and San Juan, P.R., 296° radials." is deleted and "IDAHO: Lat. 19°11'09" N., Long. 67°35'45" W. (INT Ramey, P.R., 326°, San Juan, P.R., 296° radials)." is substituted therefor.

28. "Ohio INT: INT Ramey AFB, P.R., 013°, San Juan, P.R., 333° radials." is deleted and "OHIOS: Lat. 19°53'34" N., Long. 66°46'07" W. (INT Ramey, P.R., 013°, San Juan, P.R., 333° radials)." is substituted therefor.

29. "Palmetto INT: INT of 011° bearing Bimini, Bahamas RBN and Orlando, Fla., 071° radial." is deleted and "PALME: Lat. 29°22'55" N., Long. 78°27'01" W. (INT Bimini, B.I., NDB 011° bearing, Orlando, Fla., 071° radial)." is substituted therefor.

30. "Perch INT: INT Los Angeles, Calif., 264°, Ventura, Calif., 200° radials." is deleted and "PERCH: Lat. 33°52'03" N., Long. 119°09'24" W. (INT Los Angeles, Calif., 264°, Ventura, Calif., 200° radials)." is substituted therefor.

31. "Ramey AFB, P.R." is deleted and "Ramey, P.R." is substituted therefor.

32. "Shad INT: INT of Rainbow, N.J., RBN 135° bearing and west boundary New York Oceanic Control Area at latitude 37°43' N., longitude 73°00' W. Shad INT: INT of Sea Isle, N.J., 134° and Norfolk, Va., 071° radials. Shad DME INT: Sea Isle, N.J., VORTAC 134° radial, 118 nautical miles from Sea Isle VORTAC." is deleted and "SHADS: Lat. 37°42'05" N., Long. 73°00'00" W. (a. INT Rainbow, N.J., NDB 135° bearing, New York Oceanic CTA/FIR boundary. b. INT Sea Isle, N.J., 134°, Norfolk, Va., 071° radials. c. Sea Isle, N.J., 134° radial, 118 NM from Sea Isle)." is substituted therefor.

33. "Smelt INT: INT 110° bearing Ashley, S.C., RBN, and longitude 77°00'00" W." is deleted and "SMELT: Lat. 31°58'38" N., Long. 77°00'00" W. (INT Ashley, S.C., NDB 110° bearing, Long. 77°00'00" W.)" is substituted therefor.

34. "Snook INT: INT of 002° bearing Nassau, Bahamas RBN and 233° bearing Bimini, Bahamas RBN." is deleted and "SNOOK: Lat. 27°00'00" N., Long. 77°24'27" W. (INT Nassau, B. I., NDB 182°, Bimini, B. I., NDB 233° bearings)." is substituted therefor.

35. "Squid INT: INT of 192° bearing Croaton, N.C., RBN and 090° bearing Dinsmore, Fla., RBN." is deleted and "SQUID: Lat. 30°24'55" N., Long. 78°12'28" W. (INT Croaton, N.C., NDB 192°, Dinsmore, Fla., NDB 090° bearings)." is substituted therefor.

36. "Swordfish INT: INT of 182° bearing Croaton, N.C., RBN and 090° bearing Dinsmore, Fla., RBN." is deleted and "SWORD: Lat. 30°23'13" N., Long. 77°17'38" W. (INT Croaton, N.C., NDB 182°, Dinsmore, Fla., NDB 090° bearings)." is substituted therefor.

37. "Tadpole INT: INT of Marathon, Fla., RBN 189° bearing with Lat. 24°00'00" N." is deleted and "TADPO: Lat. 24°00'00" N., Long. 81°13'02" W. (INT Marathon, Fla., NDB 189° bearing, Lat. 24°00'00" N.)" is substituted therefor.

38. "Trout INT: INT 090° bearing Dinsmore, Fla., RBN, and longitude 77°00'00" W." is deleted and "TROUT: Lat. 30°22'35" N., Long. 77°00'00" W. (INT Dinsmore, Fla., NDB 090° bearing, Long. 77°00'00" W.)" is substituted therefor.

39. "Tuna INT: INT 137° bearing Newark, N.J., RBN, W boundary New York Oceanic Control Area, at latitude 38°55' N., longitude 72°07' W." is deleted and "TUNNA: Lat. 38°55'26" N., Long. 72°06'57" W. (a. INT Newark, N.J., NDB 137° bearing, New York Oceanic CTA/FIR boundary. b. Kennedy, N.Y., 143° radial, 128 NM from Kennedy)." is substituted therefor.

40. "Utah INT: INT San Juan, P.R., 314°, Ramey, P.R., 354° radials, at latitude 19°35' N., longitude 67°15' W. is added." is deleted and "UTAH: Lat. 19°34'40" N., Long. 67°13'42" W. (INT San Juan, P.R., 314°, Ramey, P.R., 354° radials)." is substituted therefor.

41. "Vermont INT: INT Ramey, P.R., 027°, San Juan, P.R., 351° radials." is deleted and "VERMO: Lat. 20°04'09" N., Long. 66°15'42" W. (INT Ramey, P.R., 027°, San Juan, P.R., 351° radials)." is substituted therefor.

42. "Viperfish INT: INT 132° bearing Grand Isle, La., RBN, 214° bearing Pensacola, Fla., RBN, at latitude 28°14' N., longitude 88°51' W." is deleted and "VIPER: Lat. 28°14'17" N., Long. 88°53'08" W. (INT Grand Isle, La., NDB 132°, Pensacola, Fla., NDB 215° radials)." is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 20, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.74-19643 Filed 8-23-74;8:45 am]

[Docket No. 13955; Amdt. No. 930]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended, as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective October 3, 1974.

Burley, Idaho—Burley Municipal Arpt., VOR-A, Amdt. 2.

Burley, Idaho—Burley Municipal Arpt., VOR/DME-B, Amdt. 1.

Fort Wayne, Ind.—Fort Wayne Municipal Arpt. (Baer Field), VOR Rwy 4, Amdt. 10.

Fort Wayne, Ind.—Fort Wayne Municipal Arpt. (Baer Field), VOR Rwy 9, Amdt. 6.

Fort Wayne, Ind.—Fort Wayne Municipal

Arpt. (Baer Field), VOR Rwy 13, Amdt. 8.
Fort Wayne, Ind.—Fort Wayne Municipal
Arpt. (Baer Field), VOR Rwy 22, Amdt. 3.
Fort Wayne, Ind.—Smith Field, VOR Rwy 13,
Amdt. 3.

Lexington, Tenn.—Franklin Wilkins Arpt.,
VOR Rwy 33, Amdt. 5.

Miami, Fla.—Opa Locka Arpt., VOR Rwy 9L,
Amdt. 10.

Saginaw, Mich.—Tri-City Arpt., VOR Rwy 5,
Amdt. 10.

Saginaw, Mich.—Tri-City Arpt., VOR Rwy
14, Amdt. 7.

Saginaw, Mich.—Tri-City Arpt., VOR Rwy
23, Amdt. 9.

Saginaw, Mich.—Tri-City Arpt., VOR Rwy 32,
Amdt. 4.

Tullahoma, Tenn.—William Northern Field,
VOR Rwy 32, Amdt. 2.

* * * effective August 29, 1974

Waseca, Minn.—Waseca Municipal Arpt.,
VOR-A, Orig.

2. Section 97.25 is amended by origi-
nating, amending, or canceling the fol-
lowing SDF-LOC-LDA SIAPs, effective
October 3, 1974.

Fort Wayne, Ind.—Fort Wayne Municipal
Arpt. (Baer Field), LOC (BC) Rwy 13,
Amdt. 5.

Fort Wayne, Ind.—Fort Wayne Municipal
Arpt. (Baer Field), LOC (BC) Rwy 22,
Amdt. 1.

Saginaw, Mich.—Tri-City Arpt., LOC (BC)/
DME Rwy 23, Amdt. 2.

3. Section 97.27 is amended by origi-
nating, amending, or canceling the fol-
lowing NDB/ADF SIAPs, effective
October 3, 1974.

Fort Wayne, Ind.—Fort Wayne Municipal
Arpt. (Baer Field), NDB Rwy 31, Amdt. 15.
Saginaw, Mich.—Tri-City Arpt., NDB Rwy 5,
Amdt. 4.

* * * effective August 29, 1974

Waseca, Minn.—Waseca Municipal Arpt., NDB
Rwy 15, Orig.

4. Section 97.29 is amended by origi-
nating, amending, or canceling the fol-
lowing ILS SIAPs, effective October 3,
1974.

Fort Wayne, Ind.—Fort Wayne Municipal
Arpt. (Baer Field), ILS Rwy 4, Amdt. 1.

Fort Wayne, Ind.—Fort Wayne Municipal
Arpt. (Baer Field), ILS Rwy 31, Amdt. 18.

Saginaw, Mich.—Tri-City Arpt., ILS Rwy 5,
Amdt. 6.

5. Section 97.31 is amended by origi-
nating, amending, or canceling the fol-
lowing RADAR SIAPs, effective October
3, 1974.

Fort Wayne, Ind.—Fort Wayne Municipal
Arpt. (Baer Field), RADAR-1, Amdt. 10.

Saginaw, Mich.—Tri-City Arpt., RADAR-1,
Orig.

* * * effective September 5, 1974.

Boston, Mass.—Gen. Edward Lawrence Logan
Int'l Arpt., RADAR-2, Amdt. 2.

These amendments are made effective
under the authority of (Secs. 307, 313,
601, 1110, Federal Aviation Act of 1958;
49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c)
Department of Transportation Act, 49
U.S.C. 1655(c) and 5 U.S.C. 553(a)(1)).

Issued in Washington, D.C., on August
15, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

Note: Incorporation by reference provi-
sions in §§ 97.10 and 97.20 approved by the
Director of the Federal Register on May 12,
1969, (35 FR 5610).

[FR Doc. 74-19642 Filed 8-23-74; 8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-870, Amdt. 4]

PART 213—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS

Filing and Approval of Schedules of Foreign Air Carriers

Adopted by the Civil Aeronautics
Board at its office in Washington, D.C.
July 12, 1974.

By notice of proposed rulemaking
EDR-268¹ the Board proposed to amend
Part 213 of its Economic Regulations (14
CFR Part 213) to revise the provisions
of § 213.3(c) thereof. Section 213.3(c)
relates to the issuance of an order re-
quiring the holder of a foreign air carrier
permit covered by a bilateral air trans-
port agreement to file copies of its exist-
ing and proposed schedules with the
Board for approval. The amendment
would add an additional category of ac-
tions by a foreign government (over the
objections of the United States Govern-
ment) on the basis of which the schedule
filing and approval procedures of Part
213 might be invoked. As a result of
the amendment, the Board might invoke
the Part 213 procedures in bilateral cases
not only where "the government or aero-
nautical authorities of the government
of the holder have, over the objections
of the United States Government, taken
action which impairs, limits, terminates,
or denies operating rights provided for
in such air transport agreement, of any
U.S. air carrier designated thereunder
with respect to flight operations to, from,
through, or over the territory of such
foreign government," but also where
such government, or aeronautical au-
thorities, over the objections of the
United States Government, have " * * *
(2) otherwise denied or failed to prevent
the denial of, in whole or in part, the
fair and equal opportunity to exercise
the operating rights * * * of U.S. air
carriers under the agreement.

In its notice of proposed rulemaking
(EDR-268) the Board pointed out that
the purpose of the amendment was to
clarify the regulation in order to leave
no doubt that its provisions could be
invoked under various circumstances
whereby action or inaction of the for-
eign government, or its aeronautical au-
thorities, resulted in the failure to main-
tain a fair and equal opportunity for
U.S. carriers to exercise their bilateral
rights, even though such action (or inac-
tion) in contravention of bilateral obli-
gations fell short of a direct restriction
upon the exercise of such rights. The
Board further emphasized that the

amendment was intended to further
"Bermuda Principles" incorporated in
United States bilateral air transport
agreements with other countries, and
that the Board would, in invoking the
regulation, observe all relevant provi-
sions of any applicable bilateral agree-
ment.² In addition, the Board noted that
the proposed amendment would, as was
the case in the initial promulgation of
Part 213, "give this government the same
control over foreign air carriers' sched-
ules as the governments of those carriers
possess over U.S.-flag carriers' sched-
ules."

Comments opposing adoption of the
proposed rule have been filed by five
foreign air carriers.³ Comments urging
adoption of the proposed amendment
have been filed by the Department of
Transportation, the Air Transport Asso-
ciation on behalf of twelve of its mem-
ber carriers,⁴ Pan American, and TWA
(by separate comment).

Upon consideration of the comments
the Board has concluded that the pro-
posed amendment should be adopted
in the form set forth in the rulemaking
notice.

The opposing foreign carriers argue
principally that the proposed amend-
ment is inconsistent with the provisions
of outstanding bilateral agreements.
These arguments are much the same as
various arguments to this effect rejected
by the Board in the proceeding in which
Part 213 was initially promulgated. (Or-
ders in response to motions in the Part
213, Foreign Permit Investigation, Docket
12063, 34 CAB 837 (1961).) The for-
eign carriers' argument is in essence that
the bilateral precludes any restrictive ac-
tion against a foreign carrier's sched-
ules, regardless of the extent of impair-
ment which such government may have
effectuated against the operating rights
of U.S. carriers under that agreement,
until such time as either the bilateral is
terminated or any dispute with respect
to such restrictions has been the subject
of an arbitration decision. The Board is
unable to agree with the interpretation of
the bilateral provisions proposed. As
emphasized in the rulemaking notice, the
Board would have no intention of in-
voking the Part 213 procedures until all
bilateral obligations for prior consulta-
tion had been complied with. Assuming
such compliance, there would be no basis
for concluding that the proposed amend-
ment would be inconsistent with the bi-
lateral provisions.⁵ Nevertheless, as the

¹Specifically, the Board noted that it
would defer any proposed Part 213 action
insofar as necessary to comply with con-
sultation procedures contemplated by a bi-
lateral agreement.

²British Airways; KLM; Lofftelder;
SABENA; and SAS.

³Alaska Airlines, Allegheny Airlines, Amer-
ican Airlines, Braniff International, Delta
Air Lines, Eastern Air Lines, National Air-
lines, Northwest Airlines, Texas International
Airlines, Trans World Airlines, Western Air
Lines, and Wien Air Alaska.

⁴This is particularly true since the vast
majority of U.S. bilaterals in terms provide
that arbitration procedures will be invoked
only at the option of either party.

⁵Docket No. 26677; 39 FR 16902, May 10,
1974.

Board noted in its rulings on the motions in the Part 213, Foreign Permit Investigation, there is no necessity here to determine the proper interpretation of bilateral agreements. As the Board there stated:

The important point is that there are many actions the Board could take in various situations under the regulation without raising this problem. The mere possibility that there may be specific situations in which the Board could not properly act under the regulation does not impair the Board's power to promulgate such a regulation or affect its validity under the Act. (34 CAB at 844.)

The significant fact for present purposes is that the Board has no intention of invoking Part 213 in any manner inconsistent with any obligation of an outstanding bilateral air transport agreement. Further assurance that the Board would not be in a position to do so arises from the fact that any action of the Board disapproving schedules of a foreign air carrier is subject to the stay or disapproval of the President. Thus, any Board interpretation of the requirements of an outstanding bilateral agreement would necessarily also be shared by the Executive Departments before any adverse action under Part 213 was implemented. Moreover, as the Board also noted in its rulings on the motions in the Part 213, Foreign Permit Investigation:

In any situation in which the Board contemplates disapproving a schedule filing, the foreign air carrier is given the right under the regulation to appeal the Board's notification. In appealing the Board's action the foreign carrier will have a full opportunity to urge not merely that the action is not required in the public interest, but is also inconsistent with some outstanding agreement. (34 CAB at 844; see §§ 213.3(c), 213.5.)

It is further contended that the proposed amendment is of a different nature from the Part 213 regulation as initially adopted, since it contemplates initial unilateral action on the part of the United States Government rather than merely retaliatory action as contemplated under the present provisions of Part 213. We cannot agree that such a distinction exists in fact, or, to the extent that such a distinction might exist, that it would affect the validity of the regulation. Section 213.3(c) in its present form requires foreign government or aeronautical authority action which impairs or denies operating rights. The proposed amendment simply serves as a clarification that government action or inaction which results in the denial of the fair and equal opportunity of U.S.

carriers to exercise operating rights provided for in the bilateral agreement constitutes such an impairment of operating rights. Since all outstanding U.S. bilaterals in specific terms grant U.S. carriers the "fair and equal opportunity" to exercise the operating rights provided for in the agreement, it is clear that any action or inaction of a foreign government or aeronautical authorities which would result in such denial would constitute action which "impairs—or denies operating rights" under the agreement. In short, as stated in the rulemaking notice, the amendment merely constitutes a clarification of the meaning and import of Part 213 as initially promulgated.

But even if this were not the case, the interest of the United States Government in preserving for its carriers the "fair and equal opportunity" to exercise the operating rights provided for in air transport agreements is clearly within the objectives that were being sought to be achieved when Part 213 was initially promulgated. The recent Board study indicates that currently impairment or denial of operating rights is often accomplished by indirect action or inaction, a problem which was not of such significance when the rule was initially promulgated.⁶ An amendment and clarification of the § 213.3(c) provision to accomplish the original objectives of the Part, as applied to new forms of foreign governmental action, clearly lies within the Board's rulemaking authority. And, like the present Part 213, the proposed amendment merely provides machinery pursuant to which the Board may exercise powers held by most other foreign governments to insure that the rights of their carriers under the bilateral to have a fair and equal opportunity to exercise the operating rights provided for in the agreement will not be impaired by foreign government action, or failure to take action required under the bilateral.⁷

⁶ See the August 1973 study prepared by the Board's Bureau of International Affairs, entitled "Restrictive Practices Used by Foreign Countries to Favor Their National Air Carriers," which was referred to in the notice of proposed rulemaking (EDR-268).

⁷ The fact that some countries may not in the past have engaged in the practices discussed in the Board's study has no bearing on the public interest in the adoption of the regulation. The fact is that some countries do engage in such restrictive practices. Even if this were not the case, the Board would nevertheless adopt the regulation, since the Board should, in any event, be armed with the same powers possessed by other foreign governments to take such action as may be required to the extent that such practices might in the future become a problem.

As proposed in the Board's rulemaking notice this rule has been submitted to, and approved by, the President before publication. The promulgation of this rule, by itself, will impose no additional requirements on carriers subject thereto. Moreover, the purpose of the rule is merely to clarify that action under Part 213 could be taken with respect to the type of situation covered by the amendment. Such situations may or may not arise in the immediate future. The Board finds, therefore, that good cause exists for immediate effectiveness of the rule.

Accordingly, the Civil Aeronautics Board hereby amends Part 213 of the Economic Regulations (14 CFR Part 213) effective August 27, 1974, as follows:

Section 213.3(c) is revised to read as follows:

§ 213.3 Filing and approval of schedules.

(c) In the case of any foreign air carrier permit for scheduled air transportation which is the subject of an air transport agreement between the United States and the government of the holder, the Board may with or without hearing issue an order, similar to that provided for in paragraph (b) of this section, if it makes the findings provided for in that subsection and, in addition, finds that the government or aeronautical authorities of the government of the holder, over the objections of the United States Government, have: (1) Taken action which impairs, limits, terminates, or denies operating rights, or (2) otherwise denied or failed to prevent the denial of, in whole or in part, the fair and equal opportunity to exercise the operating rights, provided for in such air transport agreement, of any U.S. air carrier designated thereunder with respect to flight operations to, from, through, or over the territory of such foreign government.

(Sections 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.)

Effective: August 27, 1974.

Adopted: July 12, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

NOTE: This document was approved by the President, Gerald R. Ford, on August 21, 1974.

[FR Doc. 74-19809 Filed 8-23-74; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-36]

VINYL CHLORIDE

Availability of Economic Impact Study

On May 10, 1974, pursuant to sections 6(b), 6(c), and 8(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1596, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, a proposed standard concerning occupational exposure to vinyl chloride was published in the FEDERAL REGISTER (39 FR 16896). On June 25-28 and July 8-11, 1974, an informal rule-making hearing was held on the proposal pursuant to section 6(b) (3) of the Act.

At the close of the hearing, the presiding Administrative Law Judge, Gordon J. Myatt, ruled, in accordance with the authority granted him under 29 CFR 1911.16(g), that the record would remain open until August 23, 1974 for the receipt of general comments and an additional period after that date solely for the submission of written comment on the economic impact study being conducted for OSHA by an independent consultant. The study, which examines the economic and technological feasibility of compliance with the proposed standard in the monomer, polymer and copolymer producing industries, is now available for examination and copying in Room 230, 1726 M Street, N.W., Occupational Safety and Health Administration, Washington, D.C. 20210. All comments regarding the economic impact study should be mailed to the Docket Officer, Docket OSH-36, at the above address, and must be postmarked no later than September 6, 1974.

Signed at Washington, D.C. this 22nd day of August, 1974.

JOHN STENDER,

Assistant Secretary of Labor.

[FR Doc. 74-19767 Filed 8-23-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1 and 314]

REQUIREMENTS FOR DISPENSING CONTAINERS FOR PRESCRIPTION DRUGS

Notice of Proposed Rulemaking

Recent trends towards the use of dispensing containers made of materials other than glass and the increased use

of films, laminates, papers, and foils present new problems to the pharmacist in dispensing a drug product because of the different properties of these materials. Many drug products are subject to decomposition or deterioration if not properly protected from heat, light, and exposure to air or moisture; therefore it is necessary that the container used by the pharmacist in dispensing the drug product to the patient be adequate to maintain the product's original identity, strength, quality, and purity.

The monographs for many of the drug products recognized in the official compendia include requirements for the use of specific types of dispensing containers, e.g., light-resistant container, tight container, well-closed container. These requirements for the use of specified containers apply to products when dispensed by the pharmacist unless otherwise indicated in the monograph. In the absence of official tests and specifications, the pharmacist often has little or no information available to assist him in selecting a suitable container.

The Food and Drug Administration has met with representatives of the National Formulary (N.F.) and the United States Pharmacopeia (U.S.P.) to develop official standards and test procedures for determining that dispensing containers for prescription drugs meet the requirements for specified types of containers as defined in the official compendia. The N.F. on January 2, 1974, proposed the first such official standard for tightness of drug containers. The proposal includes a test procedure as well as suggested limits for "tight containers" and "well-closed containers" as defined by the compendia. The proposed requirements are applicable to multiple-unit containers, i.e., a vial or other drug container permitting withdrawal of successive doses or portions of the contents. It is anticipated that implementation of the standards will be made simultaneously by the N.F. and the U.S.P.

The Commissioner of Food and Drugs has determined that the pharmacist must have information readily available to him as to the type of dispensing container which must be used to maintain a drug product's original identity, strength, quality, and purity. Chemically identical drugs, because of formulation differences, may have different requirements for packaging and storage that may not be apparent without extensive testing. It is not reasonable to expect the pharmacist to test each and every drug product to determine the type of container that must be used to maintain the identity, strength, quality, and purity of

the product after it has been dispensed to the patient. The Commissioner is of the opinion that the manufacturer of the drug product is the person most able to supply the necessary information as to what constitutes a suitable container for dispensing his drug product.

Therefore, the Commissioner proposes to require that the manufacturer include, as part of the prescription drug product label, information, directed to the pharmacist, as to the type of container to be used in dispensing the drug product to the patient. This information may be in terms of specific materials, containers, or in terms included in the official compendia to define suitable containers, e.g., "Preserve in a tight container". In the case of containers too small or otherwise unable to accommodate a label with sufficient space to bear this information, but which are packaged within an outer container from which they are removed for dispensing or use, this information may be contained in other labeling on or within the package from which it is to be dispensed.

The Commissioner proposes that the requirements of this proposal be implemented so as to be concurrent with simultaneous implementation of container standards by the N.F. and the U.S.P.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 503, 505, 507, 701, 52 Stat. 1050-53, 1055-56, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 353, 355, 357, 371) and the Public Health Service Act (sec. 351, 58 Stat. 702; 42 U.S.C. 262), and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Parts 1 and 314 as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. In § 1.106 by revising paragraph (b) (2) (vi), adding a new paragraph (b) (2) (vii) and by revising the undesignated material at the end of paragraph (b) (2) to read as follows:

§ 1.106 Drugs and devices; directions for use.

• • • • •

(b) • • • • •

(2) • • • • •

(vi) An identifying lot or control number from which it is possible to determine the complete manufacturing history of the package of the drug; and

(vii) A statement directed to the pharmacist specifying the type of container to be used in dispensing the drug prod-

uct to maintain its identity, strength, quality, and purity. Where there are standards and test procedures for determining that the container meets the requirements for specified types of containers as defined in an official compendium, such terms may be used. For example, "Dispense (name of drug product) in tight, light-resistant container as defined in the National Formulary". Where standards and test procedures for determining the types of containers to be used in dispensing the drug product are not included in an official compendium, the specific container or types of containers known to be adequate to maintain the identity, strength, quality, and purity of the drug product shall be described. For example, "Dispense (name of drug product) in containers which (statement of specifications which clearly enable the dispensing pharmacist to select an adequate container)".

Provided, however, That in the case of containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information, but which are packaged within an outer container from which they are removed for dispensing or use, the information required by paragraph (b) (2) (ii), (iii), (v), and (vii) of this section may be contained in other labeling on or within the package from which it is to be dispensed; the information referred to in paragraph (b) (2) (i) of this section may be placed on such outer container only; and the information required by paragraph (b) (2) (vi) of this section may be on the crimp of the dispensing tube. The information required by this paragraph (b) (2) (vii) is not required for prescription drug products packaged in unit-dose, unit-of-use, or other packaging format in which the medication is dispensed in the manufacturer's original package.

PART 314—NEW DRUG APPLICATIONS

2. In § 314.1(c) (2) by adding a new item 4.g. in Form FD-356H to read as follows:

§ 314.1 Applications.

(c) * * *

(2) * * *

FD-356H * * *

4. * * *

g. If the drug is limited in its labeling to use under the professional supervision of a practitioner licensed by law to administer it, its label shall bear a statement directed to the pharmacist specifying the type(s) of container(s) to be used in dispensing the drug to maintain its identity, strength, quality, and purity so as to be in conformance with the provisions of § 1.106(b) (2) (21 CFR 1.106(b) (2)).

3. In § 314.8 by adding a new paragraph (a) (5) (xi) to read as follows:

§ 314.8 Supplemental applications.

(a)

(5)

(xi) Change in the label to provide for a statement directed to the pharmacist specifying the type(s) of container(s) to be used in dispensing the drug to maintain its identity, strength, quality, and purity.

Interested persons may, on or before October 25, 1974, file written comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 20, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 74-19658 Filed 8-23-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 32, 111]

[CGD 74-118]

TANK VESSEL ELECTRICAL INSTALLATION

Proposed Requirements

The Coast Guard is considering amending its regulations for tank vessel electrical systems in order to clarify the safety requirements for electrical installations in hazardous locations on tank ships.

Flammable vapors are present on the cargo decks of tank ships in sufficient quantities to produce an explosion or fire if ignited. These vapors frequently pass through openings such as vents or hatches that open in the vicinity of the cargo deck and collect in enclosed spaces located off of the cargo deck. The intent of the present regulations, which were promulgated in March, 1972, was to declare the entire cargo deck, including enclosed spaces that have openings into it, a hazardous location and to require electrical equipment in these locations to be explosion proof. This intent, however, is not made clear by the present wording of the regulations in that enclosed spaces that have openings onto the cargo deck are not specifically included in the hazardous locations. The purpose of these amendments is to make the intent of the regulations unambiguous.

These amendments will also correct a duplication in the existing regulations. Due to an oversight, a single provision appears both in § 32.45-1(i) and in § 32.45-1(f) (4) of Title 46 of the Code of Federal Regulations. This redundancy is unnecessary and may be confusing. The proposed amendments will remove the redundancy by revoking the first typo-

graphical unit of § 32.45-1(i). The provisions of the second typographical unit of that paragraph, § 32.45-1(i) (1),¹ will be incorporated in a new subdivision to be designated § 32.45-1(f) (4) (i).

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commandant (G-CMC), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 74-118), and give reasons for any recommendations. Comments received before October 10, 1974, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in room 8234, Department of Transportation, 400 Seventh Street, SW, Washington, D.C. The proposal may be changed in light of the comments received.

No hearing is contemplated but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person raising a genuine issue and desiring an opportunity to comment orally at a public hearing.

These amendments are proposed under the authority of 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b); 49 CFR 1.46(b).

In consideration of the foregoing, it is proposed to amend Parts 32 and 111 of Title 46 of the Code of Federal Regulations as follows:

1. By revoking § 32.45-1(i) and by adding a new § 32.45-1(f) (4) (i) to read as follows:

§ 32.45-1 Requirements for tank vessels the construction or conversion of which is contracted for on or after November 19, 1955—TB/ALL.

(f) * * *

(4) * * *

(i) In addition to the requirements of subparagraph (f) (4) of this section, electrical equipment on each tank ship that is contracted for after July 1, 1972, must be explosion proof if it is located in the cargo deck space or enclosed spaces having an opening into the cargo deck space. For the purpose of this subparagraph, the term "cargo deck space" means the volume bounded by the open deck over the cargo tank block (including all ballast tanks within the cargo tank block), extending to the full width of the vessel, plus three meters (approx. 10 feet) fore and aft of the cargo tank block, and up to a height of 2.4 meters (approx. 8 feet) above the deck.

(i) [Revoked]

2. By amending section 111.85-10(c) (5) (i) to read as follows:

§ 111.85-10 Special requirements for tank vessels contracted for on or after November 19, 1955—TB/ALL.

(c) * * *

(5) * * *

(i) In addition to the requirements of paragraph (c) (5) of this section, elec-

¹ NOTE: § 32.45-1(i) (1) was incorrectly carried in the CFR volume of Title 46 revised as of Oct. 1, 1973, as § 32.45-1(h) (2) (i) (a).

trical equipment on each tank ship that is contracted for after July 1, 1972, must be explosion proof if it is located in the cargo deck space or enclosed spaces having an opening into the cargo deck space. For this purpose of this subparagraph, the term "cargo deck space" means the volume bounded by the open deck over the cargo tank block (including all ballast tanks within the cargo tank block), extending to the full width of the vessel plus three meters (approx. 10 feet) fore and aft of the cargo tank block, and up to a height of 2.4 meters (approx. 8 feet) above the deck.

Dated: August 19, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc. 74-19731 Filed 8-23-74; 8:45 am]

Federal Aviation Administration
[14 CFR Part 71]

[Airspace Docket No. 74-SO-77]

CONTROL ZONE AND TRANSITION AREA
Supplemental Notice of Proposed
Alteration

On August 7, 1974, FR Doc. 74-17958 was published in the FEDERAL REGISTER (39 FR 28440), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Savannah, Georgia, control zone and transition area.

Subsequent to publication of the notice, it was determined that, in the interest of the U.S. Army accomplishing its mission, we should reduce the comment period from 30 days to 25 days in order to meet an effective date of November 7, 1974, in lieu of December 5, 1974. Additionally, it was determined that a control zone extension predicated on Hunter VOR 103° radial 6 miles wide and 8.5 miles long was required to provide adequate controlled airspace protection for IFR aircraft executing the

VOR Runway 27 Instrument Approach Procedure.

In consideration of the foregoing, effective immediately, in FR Doc. 74-17958, the deadline for receipt of comments is changed to September 1, 1974, and the proposed description of the Savannah, Georgia, control zone is amended to read:

Within a 5-mile radius of Savannah Municipal Airport (Lat. 32°07'35" N., Long. 81°12'05" W.); within a 5-mile radius of Hunter AAF (Lat. 32°01'30" N., Long. 81°08'30" W.); within 3 miles each side of Hunter VOR 103° radial, extending from the 5-mile radius zone to 8.5 miles east of the VOR.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on August 15, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 74-19648 Filed 8-23-74; 8:45 am]

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have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

APPLICANT

George A. Allen, Jr.,
Director
The Game Bird Preservation Center
1155 East 4800 South
Salt Lake City, Utah 84117

JULY 10, 1974.

TO: Director (FSF/LE)
Fish & Wildlife Service
Dept. of the Interior
Washington, D.C. 20240

From: George A. Allen, Jr., Director, The Game Bird Preservation Center, 1155 East 4800 South, Salt Lake City, Utah 84117
Subject: Permit to purchase and ship to the Game Bird Preservation Center one Nene Goose gander from the Winston Guest, Jr. collection, Berry Hill Road, Oyster Bay, N.Y. 11771.

DEAR MR. DIRECTOR:

We would like to apply for a permit to purchase a Nene Goose gander, and ship this bird to The Game Bird Preservation Center in Salt Lake City. The purchase is to be made from the Winston Guest, Jr. Collection, Berry Hill Road, Oyster Bay, New York.

The following information is supplied in accordance with 50 CFR 13.12(a) and 50 CFR 17:

Stock to be purchased and shipped: 1 Nene Goose gander (*Branta sandvicensis*) Age unknown.

Copy of selling and buying agreement: Enclosed.

Justification for purchasing and shipping bird: For propagation and preservation at the Center; For study; Education and Display to the Public. Offspring will be kept at the Center to further develop the foregoing purposes, and when the population increases to where a surplus occurs, stock will be offered to other collections to further promote the study, education, aesthetic appreciation and preservation (propagation) of this endangered species.

Address and description: This bird will be kept at The Game Bird Preservation Center, 1155 E. 4800 South, Salt Lake City, Utah 84117. This is about a five acre breeding center with outstanding facilities for keeping and breeding waterfowl to include: An abundance of fresh-running water, large ponds and enclosures with natural habitat, and some of the most experienced and skilled aviculturists in the world to care for the stock. This Center is known throughout the world, and we can offer such references as Wayne Bohl of the Endangered Species Office, F & W Service and Glen Smart, Patuxent Wildlife Research Center. Both these gentlemen have visited and inspected our premises, and can vouch for our facilities.

Origin of the stock: This goose was hatched and raised in captivity.

A photo of the enclosure in which this goose will be kept is enclosed.

Willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook. Yes.

Description of shipping box and shipping procedure: Bird will be shipped in a substantial container approximately 2 feet wide, 2 feet high and 2 feet long. It will have good ventilation, litter in the bottom, and a food and water container. Shipping box will be conspicuously marked with the addresses of sender and destination, LIVE GOOSE INSIDE, and feed and water containers. Goose will be shipped air via

the fastest flight from New York to Salt Lake City, and should be in the container and en route only a few hours.

Experience of those who will care for and breed the goose: The director of this center who will be supervising the care and propagation of the Nene here has had 35 years experience keeping and raising wildlife and especially waterfowl and other game birds. He has been the first to rear several species in captivity in the United States, including the Hume's Bar-tailed Pheasant, now on the endangered species list. He has raised during his avicultural career of thousands of waterfowl and other game birds including hundreds of pheasants that are on the endangered species list including Brown Eared, Swinhoe, Hume's Mikados, Palawan Peacock Pheasants, Edward's. He has also raised hundreds of the Hawaiian Koala Duck, a waterfowl on the endangered species list. Other people working under the director have likewise had much experience keeping and breeding waterfowl, pheasants, and other wildlife. The Center has been established over 10 years.

Issuance criteria: The application eminently qualifies.

Additional information required under 50 CFR 13.12(a):

Applicant's name, etc. George A. Allen, Jr., Director, Game Bird Preservation Center, 1155 E. 4800 South, Salt Lake City, Utah 84117. Phone, 1-801-2624852. Date of birth, Aug. 26, 1929; height 6 feet, weight 300 lbs., brown hair, male, greenish eyes. Location where bird is to be kept: same.

Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

GEORGE A. ALLEN, JR.

Effective date of permit: As soon as possible. We will ship bird within two weeks after receiving permit.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before September 25, 1974, will be considered.

Dated: August 16, 1974.

LOREN K. PANCHER,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FR Doc. 74-19724 Filed 8-23-74; 8:45 am]

NATIONAL AUDUBON SOCIETY

Issuance of Permit for Endangered Species

On May 31, 1974, a notice was published in the FEDERAL REGISTER (39 FR

19245) that an application had been filed with the Fish and Wildlife Service by the National Audubon Society, Mr. W. Carlyle Blakeney, Jr., Southeastern Regional Representative, Atlanta, Georgia, for a permit to capture, transport and release 500 American alligators (*Alligator mississippiensis*).

Notice is hereby given that on July 1, 1974, as authorized by the provisions of the Endangered Species Act of 1973, 16 U.S.C. 1531-1543, the Fish and Wildlife Service issued a permit to Mr. W. Carlyle Blakeney, Jr., National Audubon Society, Atlanta, Georgia, authorizing movement of 500 American alligators from Louisiana for controlled release in Mississippi and Arkansas, subject to certain conditions set forth therein.

This permit was granted after a consideration of and finding that the exception was applied for in good faith. By granting this permit, it will not operate to the disadvantage of this endangered species as they will be taken in areas of high population densities and will not place undue strain on those populations. The exception is consistent with the purposes and policy of the Act which provides for re-establishing populations in those areas formerly occupied by the species by transplanting specimens. The American alligator formerly existed in these areas of Arkansas and Mississippi.

This permit is available for public inspection during normal business hours at the Fish and Wildlife Services' offices in Suite 600, 1612 K Street, NW., Washington, D.C. 20240.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife
Service.

[FR Doc. 74-19723 Filed 8-23-74; 8:45 am]

NATIONAL FISH AND WILDLIFE
LABORATORYMarine Mammal Permit; Receipt of
Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

APPLICANT

Howard W. Campbell
Gainesville Substation
National Fish and Wildlife Laboratory
U.S. Fish and Wildlife Service
Gainesville, Florida 32601

APPLICATION FOR MANATEE RESEARCH PERMIT
AS REQUIRED BY THE MARINE MAMMAL PROTECTION ACT OF 1972

The U.S. Fish and Wildlife Service, Department of Interior requests a permit to: Take Manatees, *Trichechus manatus latirostris* in the States of North Carolina, South Carolina, Georgia, and Florida beginning on or about July 15, 1974.

The animals will be taken wherever and whenever they become available. No permission to take live animals is requested at this time. A separate permit to take dead manatees under the provisions of the Endangered Species Act of 1973 is being applied for.

No special transportation or maintenance facilities will be required.

Justification. This research project will not deplete the wild stocks of this species inasmuch as only dead animals will be used. There is a lack of current information on the biology of the species and many more data are required for the design of sound management programs. This project will supply some of these data without further drain on wild stocks and will supply specimens for scientific research and educational purposes.

Methods. The salvaging of dead animals is to maximize the utility of deceased animals. The objectives are:

(1) To determine the cause of death by examination of the carcass for injury and signs of disease.

(2) To take samples for pesticide residue analyses and other biochemical tests as desirable and feasible.

(3) To note size, weight, sex and general physical conditions.

(4) To sample external and internal parasites if the condition of the carcass permits.

(5) To examine histologically and/or grossly reproductive organs as determined by the condition of the carcass.

(6) To perform an autopsy by a competent veterinarian whenever possible.

Use and Disposition of Specimens. As much of the animal as is feasible will be prepared for deposition in the U.S. National Museum—skull, other skeletal parts as reasonable, and preserved soft parts when the condition of the specimen so permits.

Data obtained from dead animals will be made available to other scientists and to other federal and state agencies to assist in building a sound biological data-base for developing sound management programs.

Certification. I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties provided under the Marine Mammal Protection Act of 1972.

JUNE 30, 1974.

CLYDE JONES,
Gainesville Substation, National
Fish and Wildlife Laboratory,
U.S. Fish and Wildlife Service,
Gainesville, Florida.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before September 25, 1974, will be considered.

Dated: August 21, 1974.

LOREN K. PANCHER,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FR Doc.74-19725 Filed 8-23-74;8:45 am]

REPTILES MALAYSIA LTD.

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

APPLICANT

Reptiles Malaysia Limited
Mr. Kenneth John Sims, Director
24 Northam Road
Penang (Post Office Box 747)
Malaysia

Your Ref: FSF/LE ENF 7-02, 29th June, 1974.

The Director, Bureau of Sport Fisheries & Wildlife, Division of Law Enforcement, Fish and Wildlife Service, United States Dept. of the Interior, Washington, DC 20240, U.S.A.

Dear Sir,

Permit Application to Export Alligators from Louisiana to Malaysia

Thank you for your letter dated June 1, 1974. Please find hereunder the information as required by THE Act Part 13.12.

(1) Applicant's Name: Kenneth John Sims as Director, Reptiles Malaysia Limited.

Mailing Address: 24 Northam Road, Penang, P.O. Box 747, Malaysia.

P.O. Box 747, Malaysia.

Phone Number: Penang 24088, Penang 27002.

(2) Applicant is a Company.

(3) Chairman: Lorrain Esme Osman, P.O. Box 888, Kuala Lumpur, Malaysia.

Director: K. J. Sims, P.O. Box 747, Penang, Malaysia.

(4) Penang and Province Wellesley, Malaysia.

(5) Part 17, Endangered Native Wildlife, Paragraph 23, Zoological, Educational, Scientific, or Propagation Permits.

(6) No Importation. Exportation only.

(7) I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective date of permit from date of granting.

(9) Date 28th June 1974.

(10) Reptiles Malaysia SDN BHD.

KENNETH J. SIMS,
Director.

(11) Additional information required as per 17.23 is as follows:

(1) American Alligator. *Alligator mississippiensis*, 300 (in one small route-proving shipment followed by the balance). Hatchlings or yearlings 100 male 200 female if known.

(2) Please see attached.

(3) The alligators are sought for one or more of the following reasons:

(i) controlled growth studies; of the species itself; of its growth rate relative to other species; of the effect of equatorial tropical location (i.e. no hibernation) large num-

bers are required as individual differences in growth rate are relatively large (in *Crocodilus porosus* some individuals grow in excess of 3x the rate of the slowest) thus conclusions can only be drawn from large groups.

(ii) To determine the relationship between size or age (or both) and sexual maturity.

(iii) To propagate the species. All alligators, with the exception of runts and possibly excess males will be used for breeding. Progeny will either go forward to second generation breeding (not known of elsewhere yet), made available for release into original protected habitats or killed for meat and hides.

(iv) It is hoped that operations will eventually be open to the public in addition to researchers from local institutions.

(4) 16 acres of land are owned and the purchase of 85 acres is being negotiated as it is recognized that both quality and quantity of space is a prerequisite to natural growth/breeding.

(5) Only CAPTIVE BRED stock is sought from the Breeding farm of Mr. Robert Klibert, Route 4, Box 15Y, Hammond, Louisiana. Telephone 345-1699.

(6) The stock sought is normally destined for hide farming.

SUMMARY

Permission is sought to export to a suitable climate and habitat 300 baby alligators bred in captivity from legally held animals. Effect on wild populations will be nil.

Yours faithfully,

REPTILES MALAYSIA SDN BHD,
KENNETH J. SIMS,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before September 30, 1974, will be considered.

Dated: August 21, 1974.

LOREN K. PANCHER,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FR Doc.74-19726 Filed 8-23-74;8:45 am]

Geological Survey

MINERALS AND MINERAL FUELS ON FEDERAL LEASES

Estimates of Reserves; Extension of Time for Comments

In the FEDERAL REGISTER of July 26, 1974 (39 FR 27334-27335) there was published a notice announcing the intention of the Department of the Interior to develop regulations requiring Federal mineral lessees to report reserve estimates annually on each Federal lease.

That notice afforded interested parties until August 21, 1974, the opportunity to

submit to the Director, U.S. Geological Survey, comments and suggestions as to the scope and content of the proposed regulations.

Notice is hereby given that the period for submitting written comments and suggestions with respect to the proposed regulations to the Director, U.S. Geological Survey, National Center, Reston, Virginia 22092, is extended to September 20, 1974.

Dated: August 22, 1974.

C. K. MALLORY,
Deputy Assistant Secretary
of the Interior.

[FR Doc.74-19786 Filed 8-23-74; 8:45 am]

National Park Service

MINUTE MAN NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Minute Man National Historical Park Advisory Commission will be held, commencing at 2 p.m. on Saturday, September 7, 1974, in the former Park Headquarters building on Route 2A in Lincoln, Massachusetts.

The Commission was established by Public Law 86-321 to advise the Secretary of the Interior on the development of Minute Man National Historical Park.

The members of the Advisory Commission are as follows:

The Honorable F. Bradford Morse, Chairman
New York, New York
Mr. James DeNormandie
Lincoln, Massachusetts
Mr. Francis S. Moulton, Jr.
Concord, Massachusetts
Mr. Donald E. Nickerson
Lexington, Massachusetts
Mrs. Katharine S. White
Lincoln, Massachusetts

At this meeting, reports will be submitted by the Superintendent and Land Acquisition Officer on Park Operations and Land Acquisition Activities since the last Commission meeting. Also, a new Master Plan for the Park will be discussed.

The meeting will be open to the public. However, facilities and space are limited and it is expected that not more than 35 persons will be able to attend. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact David L. Moffitt, Superintendent, Minute Man National Historical Park, at 617-369-6993. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent.

Dated: August 12, 1974.

JERRY D. WAGERS,
Regional Director.

[FR Doc.74-19832 Filed 8-23-74; 8:45 am]

Office of the Secretary

[INT DES 74-80]

PROPOSED WHITE-TAILED DEER HUNTING PROGRAM, GREAT SWAMP NATIONAL WILDLIFE REFUGE, NEW JERSEY

Availability of Draft Environmental Statement

Pursuant to section 102(c)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the White-tailed Deer Hunting Program, Great Swamp National Wildlife Refuge, New Jersey, and invites written comments within 45 days of this notice.

The proposal recommends a controlled public hunting program of white-tailed deer on 4,200 acres of the Great Swamp National Wildlife Refuge, for the purposes of providing an outdoor recreational experience for a limited number of hunters and reducing the deer herd to a level commensurate with available refuge habitat. The initial phase of the program would commence with a six-day controlled hunt in the winter of 1974. Future public hunts would be held to maintain a balance between deer numbers and available habitat.

Copies of the draft statement are available for inspection at the following locations:

Regional Director
U.S. Fish and Wildlife Service
John W. McCormack P.O. and Courthouse
Boston, Mass. 02109
Headquarters
Great Swamp National Wildlife Refuge
Pleasant Plains Road, RD1, Box 148
Basking Ridge, New Jersey 07920
U.S. Fish and Wildlife Service
Office of Environmental Coordination
Department of the Interior
Room 2252
18th and "C" Streets, NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: August 19, 1974.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.

[FR Doc.74-19660 Filed 8-23-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A064]

COLORADO

Designation of Emergency Areas in Need of Agricultural Credit

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Colorado:

Delta

The Secretary has found that this need exists as a result of a natural disaster consisting of a severe freeze May 20 and 21, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor John D. Vanderhoof that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 17, 1974, for physical losses and May 19, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 20th day of August, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-19739 Filed 8-23-74; 8:45 am]

Rural Electrification Administration

MINNKOTA POWER COOPERATIVE; LOAN APPLICATION FOR TRANSMISSION LINE

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Minnkota Power Cooperative of Grand Forks, North Dakota. This loan application requests REA loan funds to finance a 105 mile portion of a 230 kV transmission line from Winnipeg, Manitoba, to a site near Hibbing, Minnesota. Manitoba Hydro will construct the Canadian portion of facilities and Minnesota Power and Light Company and Minnkota Power Cooperative will construct the United States portion.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies,

as outline in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before October 25, 1974, to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 19th day of August, 1974.

DAVID A. HAMIL,
Administrator.

Rural Electrification Administration.
[FR Doc.74-19687 Filed 8-23-74; 8:45 am]

Soil Conservation Service JACK CREEK WATERSHED, OKLAHOMA Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; 40 CFR 1500.6e of the Council on Environmental Quality Guidelines issued August 1, 1973; and § 650.8(b)(3) of 39 FR 19651 issued on June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Jack Creek Watershed Project, Tillman and Comanche Counties, Oklahoma.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining works of improvement include conservation land treatment supplemented by 10 floodwater retarding structures, 2.8 miles of channel work on an ephemeral flowing stream, and 7.6 miles of clearing and snag removal of an ephemeral flowing stream.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

Dated: August 19, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

[FR Doc.74-19707 Filed 8-23-74; 8:45 am]

MILL BROOK WATERSHED PROJECT, NEW YORK Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Mill Brook Watershed Project, Chenango County, New York, USDA-SCS-EIS-WS-(ADM)-75-1(D)-NY.

The environmental statement concerns a plan for watershed protection, flood prevention, and fish and wildlife development. The project will consist of conservation land treatment measures, one floodwater retarding structure, one multiple purpose structure, one public fish and wildlife development, and approximately 0.25 mile of work on a previously modified channel.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 400—Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to R. L. Hilliard, State Conservationist, Soil Conservation Service, Room 400—Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.

Comments must be received on or before October 20, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: August 19, 1974.

WILLIAM B. DAVEY,
Deputy Administrator
for Water Resources.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

[FR Doc.74-19706 Filed 8-23-74; 8:45 am]

NORMAN POLK WATERSHED PROJECT, MINNESOTA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Norman Polk Watershed Project, Norman and Polk Counties, Minnesota, USDA-SCS-EIS-WS-75-1-(D) Mn.

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, 28 miles of channel work and six grade stabilization structures.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Ave., SW., Washington, D.C. 20250.

Soil Conservation Service, 200 Federal Building & U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101.

Copies of the draft environmental statement have been sent to various federal, state, and local agencies for comment as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Harry M. Major, State Conservationist, Soil Conservation Service, Room 200, Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

Comments must be received on or before October 16, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: August 15, 1974.

EUGENE C. BUIE,
Acting Deputy Administrator
for Water Resources, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

[FR Doc.74-19661 Filed 8-23-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Technology Transfer Subgroup of the Computer Systems Technical Advisory Committee will be held Monday, September 9, 1974, at 9:30 a.m. in Room 3841B, Main Commerce Building,

14th and Constitution Avenue, Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by Kenneth Webster, Acting Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of software, system arrays, and other technology transfer efforts.
4. Executive Session: Continuation of discussion of software, system arrays, and other technology transfer efforts.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 4, "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Kenneth Webster, Office of Tracking and Data Acquisition, National Aeronautics and Space Administration, Washington, D.C. 20546 (A/C 202-755-2333).

Dated: August 21, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc. 74-19753 Filed 8-23-74; 8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet Tuesday, September 10, 1974, at 9:30 a.m. in the Auditorium of the Main Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of ex-

port controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on the work programs.
4. Executive session:
 - a. Continuation of report on work programs.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (4), "Executive Session" the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provision of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202/967-4196).

Dated: August 21, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc. 74-19754 Filed 8-23-74; 8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Performance Characteristics and Performance Measurements Subgroup of the Computer Systems Technical Advisory Committee will be held September 10, 1974 at 1:30 p.m., in the Auditorium of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by Henry S. Forrest, Chairman.

2. Presentation of papers or comments by the public.

3. Review of work objectives and goals of the subgroup.

4. Discussion and modification of reports prepared by members of the subgroup.

5. Executive session:

- a. Continuation of discussion and modification of reports prepared by members of the subgroup.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974 determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provisions of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Henry S. Forrest, Control Data Corp., 6003 Executive Blvd., Rockville, Md. 20852 (A/C 301-770-8320).

Dated August 21, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc. 74-19755 Filed 8-23-74; 8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 12:00 noon on Wednesday, September 11, 1974, in Room B-255, Building 225, of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Joseph O. Harrison, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3551).

Dated: August 20, 1974.

R. S. WALLEIGH,
Acting Director.

[FR Doc. 74-19647 Filed 8-23-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration HOSPITAL AND NURSING HOME SERVICES

Payments to States Participating in the Capital Expenditure Review Program

Pursuant to section 1122(c) of the Social Security Act, the Secretary is required to pay States participating in the capital expenditure review program under section 1122 for the reasonable cost of performing the functions specified in section 1122(b). The manner of calculating the amounts of these payments is set forth at 42 CFR 100.110. Section 100.110 (a)(3) specifies that "The percentage for each State obtained by dividing the total amount of Federal expenditures for hospital and nursing home services under Titles V, XVIII and XIX of the Act in such State by the total amount of all expenditures for hospital and nursing home services in such State for each fiscal year will be published in the FEDERAL REGISTER as soon as practicable following the beginning of such fiscal year."

Section 100.110(a)(2) specifies that the Secretary shall determine the latest fiscal year for which data are available. The publication of percentages for fiscal year 1974 appeared at 39 FR 1215, and was based on data for fiscal year 1969.

The determination is hereby made that data for fiscal year 1969 are the latest available and accordingly, the percentages set forth below are identical to those utilized in fiscal year 1974. These percentages shall be utilized in determining payments to States in fiscal year 1975.

Dated: August 13, 1974.

HAROLD MARGULIES,
Acting Administrator,
Health Resources Administration.

PAYMENTS TO STATES PARTICIPATING IN EXPENDITURE REVIEW PROGRAM

REGION I	
Percent	Percent
Connecticut 30	New Hampshire..... 28
Maine 30	Rhode Island..... 36
Massachusetts .. 34	Vermont 33
REGION II	
New Jersey..... 25	Puerto Rico 14
New York..... 41	Virgin Islands... 17
REGION III	
Delaware 17	Pennsylvania 27
Dist. of Col. 13	Virginia 18
Maryland 23	West Virginia.... 24
REGION IV	
Alabama 21	Mississippi 21
Florida 33	North Carolina... 21
Georgia 23	South Carolina... 21
Kentucky 29	Tennessee 21
REGION V	
Illinois 29	Minnesota 35
Indiana 26	Ohio 25
Michigan 29	Wisconsin 37

REGION VI	
Arkansas 33	Oklahoma 39
Louisiana 23	Texas 26
New Mexico..... 21	

REGION VII	
Iowa 29	Missouri 26
Kansas 30	Nebraska 27

REGION VIII	
Colorado 24	South Dakota.... 33
Montana 36	Utah 22
North Dakota... 31	Wyoming 17

REGION IX	
Arizona 20	Hawaii 24
California 42	Nevada 26
Guam 04	

REGION X	
Alaska 08	Oregon 29
Idaho 30	Washington 31

Totals 30

[FR Doc. 74-19679 Filed 8-23-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[74-197]

TOWING INDUSTRY ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Towing Industry Advisory Committee will conduct open meetings on September 10-11, 1974, in the Bergerac Room of the Breckenridge Motor, Inn, 1335 South Lindbergh Boulevard, St. Louis, Missouri. The meeting on September 10 will begin at 9 a.m. and adjourn at 5:00 p.m. On September 11 the meeting will begin at 9 a.m. and adjourn at noon.

Items on the agenda are the following:

1. Future Committee Activity.
2. Bridges.
3. Temporary Tank Barge Repairs.
4. Rules of the Road.
5. Coast Guard Coordination with other Federal Agencies.
6. Tank Vessels.
7. Bulk Dangerous Cargoes.
8. Pollution Prevention.
9. Marine Sanitation Devices.
10. Occupational Safety and Health Act.
11. Education and Liaison.
12. Barge Fleeting.
13. Vessel Personnel.
14. International Conventions.
15. Ports and Waterways.
16. Coast Guard Publications.
17. Casualty Reporting Procedures.

The Towing Industry Advisory Committee was chartered by the Commandant of the Coast Guard on August 3, 1973 to advise the Marine Safety Council on matters regarding safe towing operations. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Commandant (G-CMC)
U.S. Coast Guard
Washington, D.C. 20590

or by calling: 202-426-1477.

Dated: August 19, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc. 74-19732 Filed 8-23-74; 8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX74-4; Notice 1]

AM GENERAL CORP.

Petition for Temporary Exemption From Motor Vehicle Safety Standard

AM General Corporation of Wayne, Michigan, a wholly-owned subsidiary of American Motors Corporation, has applied for temporary exemption from Vehicle Safety Standard No. 103, Windshield Defrosting and Defogging Systems, on the grounds that exemption would facilitate the development and field evaluation of a low-emission motor vehicle.

Petitioner has contracted with the U.S. Postal Service to produce 350 electric delivery vans. According to contract specification only 50 will be equipped with both a windshield defogger and defroster. The remaining vehicles, intended for use in the Los Angeles area, will be equipped with defoggers only, and will not have defrosters. The vehicles are being produced for a feasibility and suitability study by the Postal Service in comparison with existing gasoline-powered 1/4-ton trucks. As Standard No. 103 applies to all trucks manufactured for sale in the Continental United States, NHTSA assumes that the gasoline-powered trucks with which the electric ones are to be compared will be equipped with defrosters. Upon completion of the contract, AM General will meet Standard No. 103 in any subsequent production of electric trucks, and exemption is requested for this one Government contract only. The company believes that the exemption requested will not unreasonably degrade motor vehicle safety as the Los Angeles region "is not a winter-climate area."

The petition presents an issue of first impression upon which public comment is invited. Heretofore petitions for exemption have been submitted by manufacturers unable to immediately comply. Under the contract in question, both conforming and nonconforming vehicles are to be produced. Thus there is no question that petitioner has the ability to manufacture a conforming vehicle. The issue is whether an exemption in this situation would "facilitate the development of field evaluation of a low-emission motor vehicle" as intended by Congress, and whether such an exemption is in the public interest and consistent with the objectives of the Traffic Safety Act.

This notice of receipt of a petition for temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of AM General Corporation, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the *FEDERAL REGISTER*.

Comment closing date: September 26, 1974.

Proposed effective date: Date of issuance of exemption.

(Sec. 3 Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on August 21, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 74-19708 Filed 8-23-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Proposed Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-6 issued to the Consumers Power Company (the licensee) for operation of the Big Rock Point Plant (the facility), a boiling water reactor located in Charlevoix County, Michigan, and currently authorized for operation at power levels up to 240 MWt.

The license amendment would revise the Technical Specifications for the facility to incorporate increased interim surveillance requirements for the high energy fluid piping outside containment pending completion and acceptance of certain modifications to the facility to assure that it will withstand the consequences of postulated ruptures in the high energy fluid piping outside containment without loss of capability to achieve and maintain safe shutdown of the facility as required by the Commission's regulations.

By September 26, 1974, the licensee may file a request for a hearing and any person whose interest may be affected by

this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2 (§ 2.714). If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see the Commission's letters to the licensee dated December 18, 1972, January 16, 1973 and January 23, 1974 and the licensee's report on pipe failures dated June 29, 1973 and filing dated February 7, 1974. All of these documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Charlevoix Public Library at 107 Clinton Street, Charlevoix, Michigan. As the Safety Evaluation Report to be prepared by the Directorate of Licensing on the subject of pipe failures and the license amendment become available, they may be inspected at the above locations and a copy of each may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 20th day of August, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Directorate of
Licensing.

[FR Doc. 74-19651 Filed 8-23-74; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON PERRY NUCLEAR POWER PLANT, UNITS 1 & 2

Cancellation of Meeting

AUGUST 22, 1974.

The meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on Perry Nuclear Power Plant, Units 1 & 2, originally scheduled for August 26, 1974, a notice of which was previously published in the *FEDERAL REGISTER* on August 9, 1974 at 39 FR 28661, has been cancelled.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc. 74-19834 Filed 8-23-74; 9:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24248; Order 74-8-77]

AEROLINEAS ARGENTINAS

Notification and Order Disapproving Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of August, 1974.

Aerolineas Argentinas is the holder of a foreign air carrier permit issued pursuant to Order 73-5-47 authorizing it to

perform foreign air transportation with respect to persons, property and mail, over three routes between a point or points in Argentina, via specified intermediate points, to New York, Miami and Los Angeles. There exists no formal Air Transport Services Agreement between the Government of the United States and the Government of Argentina. The rights exchanged are based primarily on comity and reciprocity.

The Government of Argentina has issued various licenses to Braniff Airways, Inc. and to Pan American World Airways, Inc. authorizing scheduled air services between specified points in the United States and Buenos Aires, via named intermediate points. These permits specify the maximum number of frequencies which may be operated over each route. Applications for increases of the number of frequencies specified are not freely granted but require participation in lengthy regulatory proceedings. United States carriers have applied for additional frequencies several times during the past few years, most recently in March 1974. These applications have been denied on the grounds that additional service was not warranted.

Based on the foregoing, the Board by Order 72-2-88 implemented Part 213 of its regulations to require that Aerolineas file with the Civil Aeronautics Board copies of any and all proposed schedules of service between Argentina and the United States at least 30 days prior to the proposed effective date of such schedules. On April 22, 1974, Aerolineas filed new schedules for effectiveness on May 20, 1974, which contemplated the operation of three additional flights between the United States and Argentina, via specified intermediate points, and the addition of New York as a coterminal point with Miami on two existing flights. By Order 74-5-94 the Board served its Notification pursuant to § 213.3(d) of the regulations, that the schedules filed by Aerolineas on April 22, 1974 were disapproved, and should not be inaugurated insofar as they provide for any scheduled flights to the United States in addition to those which the carrier is currently operating, and insofar as they provide for service to New York as a coterminal with Miami with any scheduled flights in addition to the flights on which the carrier currently serves New York as a coterminal with Miami. In addition, the Order directed the carrier to file monthly statistical reports as to its existing operations in accordance with the specification of the Order. The Board found that "Considering the denial by the Government of Argentina of the application by United States carriers to provide additional frequencies between the United States and Argentina, . . . that the foundation of reciprocity, upon which operations between the two countries are based, will not provide a sufficient justification for the United States to provide additional service opportunities for the Argentine carrier at this time," and that, accordingly, the inauguration of the proposed additional service by Aerolineas Argentinas would adversely affect the public interest.

On June 28, 1974, Aerolineas Argentinas filed, pursuant to §§ 213.3(e) and 213.5 of the regulations, an "Application for Approval of Schedules" requesting approval for effectiveness on September 1, 1974 of the identical schedules filed on April 22, 1974 and disapproved by the Board by Order 74-5-94. In its application, Aerolineas urges that, inter alia, (1) the Board's previous disapproval violated the terms and conditions of the applicant's outstanding permit; (2) the order of disapproval (Order 74-5-94) was improperly adopted under § 213.3; (3) the disapproval represents a denial of, rather than effectuation of, reciprocity between the United States and Argentina; and (4) Order 74-5-94 is discriminatory insofar as it requires monthly reports as to traffic on its existing operations.¹

Upon careful consideration of the application, the Board has concluded that it should be denied. Initially, the carrier's arguments that Order 74-5-94 is defective, either by reason of the conditions of its permit, or because of improper promulgation under Part 213, are without merit. Although the carrier's permit contains conditions which in effect are identical to the provisions of Part 213, the orders herein relating to the filing and disapproval of the carrier's proposed schedules—Order 72-2-88 and Order 74-5-94, respectively—were specifically issued pursuant to the Part 213 regulations. Therefore, the President's letter upon approval of the initial permit conditions, requesting that any disapproval of the carriers' schedules be submitted to him for approval, has no application to the orders promulgated under Part 213. Moreover, the permit conditions were included in the permit prior to the promulgation of Part 213 and the adoption of Part 213 was accompanied by amendment of Aerolineas Argentinas' permit, as well as of the permits of all other foreign carriers, to make such permits subject to the Part 213 procedures. Accordingly, any Presidential approval requirement initially applicable by reason of the President's letter would have been altered by such permit amendment. Finally, it is clear that Order 74-5-94, disapproving the carrier's schedules, was submitted for Presidential consideration a full period of 10 days prior to its effective date of

May 17, 1974, and was neither stayed nor disapproved.²

Nor is there any merit to the carrier's argument that the Order represents a denial of reciprocity since approval of the schedules would result in an equivalent number of frequencies operated by the carriers of both countries. The United States has never equated reciprocity with a parity of operations, but rather has measured reciprocity in terms of the economic opportunities afforded each party. The United States Government has granted the Argentine carrier full traffic rights between numerous intermediate points and the United States. These markets are larger than the intermediate point—Argentine markets to which the United States carriers have access. Accordingly, the denial of U.S. air carrier applications for increases in frequencies, in fact, represents, as the Board found, such an erosion of the foundation of reciprocity that a sufficient justification for additional service opportunities for the Argentine carrier does not exist at this time. Accordingly, the Board reaffirms its conclusion that authorization of the additional services proposed would adversely affect the public interest.

Finally, the Board finds no discrimination by reason of the requirement that the carrier file monthly traffic reports. Similar requirements have been imposed on other carriers where called for.³ Moreover, such requirements are specifically authorized by § 213.2 of the Regulations, and, as heretofore noted, became a condition of the Argentine carrier's permit at the time of adoption of Part 213. Since the Board has found that such a requirement is in the public interest as a means of apprising the Board "of the use of the services which Aerolineas now holds out to the traveling public" (see Order 74-5-94, p. 2), and hence has a direct bearing on the question of reciprocity being considered in this proceeding, there would be no impropriety in the imposition of such a requirement irrespective of whether any other carrier operations were such that the Board found it necessary in the public interest to impose a similar requirement. Indeed, in order that the reports requirement will more fully and accurately reflect the utilization of the operating authority exercised, the Board finds pursuant to § 213.2 that it is in the public interest to require a further breakdown of the data submitted with respect to charter operations.

² Note 2 of the Order recites that it was submitted to the President on May 6, 1974, and the order became effective pursuant to paragraph 3 thereof on May 17, 1974. Since a full 10-day period elapsed following submission to the President prior to its effective date, the order fully complies with § 213.3(c).

³ See, e.g., Lufthansa German Airlines, Foreign Permit, 43 CAB 301 (1965); and Aerolineas de Mexico, Foreign Permit Amendment, 44 CAB 291 (1966).

As the Board previously noted in Order 74-5-94, it will reconsider its action should the Government of Argentina show a willingness to authorize new services for U.S. carriers serving Argentina. The Argentine Government has not yet done so, and accordingly no basis exists for reconsideration or modification of the disapproval notification of Order 74-5-94.

Accordingly, it is ordered that:

1. The application of Aerolineas Argentinas for Approval of Schedules, filed June 28, 1974, be and it hereby is denied;

2. Aerolineas Argentinas shall file with the Civil Aeronautics Board (Attention: Director, Bureau of International Affairs) within 30 days after the close of each calendar month the original and three copies of a statistical report covering its existing operations. Such report shall include the data specified in paragraph 2 of Order 74-5-94. In addition, such reports shall include a separate breakdown of charter operations for each month. This list should describe each charter flight by date of operation, routing, number of passengers or amount of cargo, and load factor; and

3. This order shall be served on Aerolineas Argentinas and the Ambassador of Argentina in Washington, D.C.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-19720 Filed 8-23-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 225-5; OPP-32000/101]

APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before October 25, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) de-

¹ In addition, Aerolineas Argentinas requests that any Board order denying its application be submitted to the President. This request will be denied. Sections 213.2(d) and 213.5 make no provision for such submission. Rather only the initial order denying schedules is subject to Presidential stay or disapproval, and once that order takes effect it remains in force until modified or withdrawn by the Board (see § 213.3(e)). Nor are any matters presented by Aerolineas' application which were not known by the Executive at the time the President considered Order 74-5-94.

sires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after October 25, 1974.

APPLICATIONS RECEIVED

- EPA File Symbol 4876-LE. "AG" Supply Co., Industrial Drive, Hopkinsville KY 42240. CHLORDANE-4 EMULSIFIABLE CONCENTRATE. Active Ingredients: Technical Chlordane 43.2%; Petroleum Distillate 53.3%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 5535-00. J. & L. Adikes, Inc., 182-12 93rd Ave., Jamaica NY 11423. GRO-WELL TOMATO AND VEGETABLE DUST JUST DUST OR SPRAY. Active Ingredients: Carbaryl (1-Naphthyl N-methylcarbamate) 5.00%; Manganese 0.8%; Zinc 0.1%; Ethylene bisdithiocarbamate ion 3.1%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 5535-RNN. J. & L. Adikes, Inc., 182-12 93rd Ave., Jamaica NY 11423. GRO-WELL TOMATO AND VEGETABLE DUST SQUEEZE-DUSTER. Active Ingredients: Carbaryl (1-Naphthyl N-methylcarbamate) 5.00%; Manganese 0.8%; Zinc 0.1%; Ethylene bisdithiocarbamate ion 3.1%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 827-EUL. Agrico Chemical Co., PO Box 16046, Greensboro NC 27406. AGRICO CHEMICAL COMPANY BROM-O-SOL SOIL FUMIGANT. Active Ingredients: Methyl bromide 68.6%; Chloropicrin 1.4%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 14651-RU. Agricultural Enterprises, Inc., 933 West 6th St., Fremont NB 68025. FLY DIE SUGAR BAIT WITH VAPONA. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 0.46%; Related Compounds 0.04%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 14651-RG. Agricultural Enterprises, Inc., 933 West 6th St., Fremont NB 68025. LIVESTOCK AND DAIRY SPRAY WITH VAPONA. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.93%; Related Compounds 0.07%; Deodorized Kerosene 49.50%; Mineral Seal Oil 49.50%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 32690-A. Bio-Chemical, Inc., 1353 Ellsworth Industrial Dr., N.W., Atlanta GA 30318. BIO-CHEMICAL HOSPITAL CLEANER/DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 5185-EGI. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BURN-OUT FR-65. Active Ingredients: Calcium hypochlorite 65%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 32928-0. Chemspray Inc., 1550 E. 7th St., Pahokee FL 33476. CHEMSPRAY INC. TOXAPHENE 72% EMULSIFIABLE CONCENTRATE. Active Ingredients: Toxaphene (technical chlorinated camphene containing 67-69% chlorine) 72.0%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 32928-A. Chemspray Inc. CHEMSPRAY BRAND DIAZINON 4E INSECTICIDE. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) 48%; Xylene 38%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 32928-U. Chemspray Inc. CHEMSPRAY BRAND PRODUCT NO. 7. Active Ingredients: Toxaphene (technical chlorinated camphene containing 67-69% chlorine) 49.50%; Methyl Parathion (O,O-dimethyl O-p-nitrophenyl thiophosphate) 27.20%; Xylene 18.30%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 32928-L. Chemspray Inc. CHEMSPRAY BRAND MALATHION EM-5 PREMIUM GRADE AN EMULSIFIABLE CONCENTRATE. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 57%; Xylene 35%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 32928-T. Chemspray Inc. CHEMSPRAY INC. BRAND PARATHION 10 G. Active Ingredients: Parathion (O,O-diethyl O-p-nitrophenyl thiophosphate) 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 32928-G. Chemspray Inc. CHEMSPRAY BRAND PRODUCT NO. 8. Active Ingredients: Toxaphene (Technical chlorinated camphene containing 67-69% chlorine) 49.95%; Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 30.02%; Xylene 13.03%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 32928-R. Chemspray Inc. CHEMSPRAY BRAND DIBROM 8 EMULSIFIABLE INSECTICIDE. Active Ingredients: Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 58%; Xylene 20%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 32928-E. Chemspray Inc. CHEMSPRAY BRAND ENDRIN 1.6-E EMULSIFIABLE LIQUID AND AGRICULTURAL INSECTICIDE. Active Ingredients: Endrin (Hexachlorocyclooctahydroendo, endo-dimethanonaphthalene) 19.70%; Xylene 76.02%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 32928-I. Chemspray Inc. CHEMSPRAY INC. BRAND PARATHION 15G. Active Ingredients: Parathion (O,O-diethyl O-p-nitrophenyl thiophosphate) 15%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 9461-IT. Celamase Coating & Specialties Co., PO Box 99038, Jeffersontown KY 40299. DEVOE MARINE FORMULA 218 DEVRAN PERMANENT RED ANTI-FOULING PAINT MD-3892. Active Ingredients: Cuprous Oxide 26.43%; Tributyltin Fluoride 3.80%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 875-TL. Diversey Corp., 1855 So. Mt. Prospect Rd., Des Plaines IL 60018. DIVERSIDE K FOOD PLANT FOGGING INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 5.0%; Petroleum Distillate 94.5%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 464-LRN. The Dow Chemical Co., PO Box 1706, Midland MI 48640. DOW TORDON 101R FORESTRY HERBICIDE. Active Ingredients: (4-amino-3,5,6-trichloropicolinic acid) as the trisopropanolamine salt 5.4%; 2,4-Dichlorophenoxyacetic acid as the trisopropanolamine salt 20.9%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 34750-E. The Dycho Co., Inc., Niota TN 37826. DYCHO ALGICIDE NF CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)-ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 34750-G. The Dycho Co., Inc. DYCHO ALGICIDE NF. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)-ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 34750-R. The Dycho Co., Inc. DYCHO TOWERCIDE BL. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)-ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 11694-UI. Dymon, Inc., 5747 Kessler Shawnee Mission KS 66203. DOUBLE ACTION CONTACT & RESIDUAL SPRAY. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.350%; Related Compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 11694-UT. Dymon, Inc., 5747 Kessler, Shawnee Mission KS 66203. DUAL "S" INDOOR-OUTDOOR INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.200%; Related Compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related Compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 3770-GRA. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. SEED-QUICK BEAN SEED PROTECTANT. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25%; Captan (N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) 25%; Streptomycin 5%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 34751-E. Ence Chemical Sales, PO Box 39, New Bern NC 28560. ENCEE ALGICIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)-ethylene dichloride] 15.0%. Method of Support: Application

proceeds under 2(b) of interim policy.

EPA File Symbol 34751-R. Ence Chemical Sales, PO Box 39, New Bern NC 28560. ENCEE ALGICIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)] - ethylene dichloride 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 270-RNE. Farnam Companies, PO Box 21447, Phoenix AZ 85306. FARNAM MANGE X. Active Ingredients: Gamma Isomer of Benzene Hexachloride from Lindane 6.50%; Xylene 45.45%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 270-RNL. Farnam Companies, PO Box 21447, Phoenix AZ 85306. FARNAM ROLL-ON FLY REPELLENT II. Active Ingredients: Butoxypropylpropylene Glycol 15%; Pyrethrins 0.40%; Piperonyl Butoxide Technical 1.00% (Equivalent to 0.80% (butylcarbityl) (6-propylpiperonyl) ether and 0.20% of related compounds); Cedarleaf Oil 6.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 21464-R. Ford's Chemical & Service Inc., PO Box 784, Pasadena TX 77501. FORD'S PYRENEONE INDUSTRIAL SPRAY EMULSIFIABLE CONCENTRATE. Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 10.0%; Petroleum Distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 21464-G. Ford's Chemical & Services Inc. FORD'S ROACH & ANT SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 21464-E. Ford's Chemical & Service Inc. FORD'S PYRENEONE-DIAZINON RESIDUAL SPRAY LIQUID. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl)phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 0.575%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OUI. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City OK 73125. FASCO P-D-Q SHADE PARA THIADON ZINEB DUST 2-4-6. Active Ingredients: Parathion (0,0-diethyl 0-p-nitrophenyl phosphorothioate) 2.00%; Endosulfant 4.00%; Zineb (Zinc ethylene bisdithiocarbamate) 6.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8901-RU. Kocide Chemical Corp., 12701 Alameda Rd. Houston TX 77045. K-COP AGRICULTURAL FUNGICIDE. Active Ingredients: Copper as elemental 8.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9859-TE. Landia Chemical Co., 1801 W. Olive St., Lakeland FL 33801. LANCO NUTRITIONAL MIX 110. Active Ingredients: Sulphur 78.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9859-TG. Landia Chemical Co., 1801 W. Olive St., Lakeland FL 33801. LANCO NUTRITIONAL MIX 117. Active Ingredients: Sulphur 74.1%; Copper as Metallic 3.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9554-GN. Levenson Chemical Co., 1407 Harney St., Omaha, NE 68102. OKAY COOLING TOWER ALGAEICIDE. Active Ingredients: Poly[oxyethylene(di-

methyliminio)ethylene(dimethyliminio) - ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34748-R. Librett Industrial Distributors, 370 Main St., New Rochelle, NY 10802. XYZ INSECTICIDE SPRAY II. Active Ingredients: Pyrethrins 0.25%; Piperonyl Butoxide, technical 1.00%; Petroleum distillate 18.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34749-R. Ling Fuang Industries, 1235 48th Ave., Oakland, CA 94601. TOMATO & VEGETABLE INSECT SPRAY. Active Ingredients: Pyrethrins 0.030%; Piperonyl Butoxide, Technical 0.160%; Rotenone 0.128%; Other Cube Resins 0.238%; Petroleum distillate 0.120%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34749-E. Ling Fuang Industries, 1235 48th Ave., Oakland, CA 94601. LFI PATIO AND OUTDOOR SPRAY. Active Ingredients: Tetramethrin 0.200%; related compounds 0.027%; Technical Piperonyl Butoxide 1.000%; Technical Methoxychlor 1.000%; Petroleum Distillate 16.250%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34736-G. Owens Service, 930 E. 80th St., Bloomington MN 55420. POOL GUARD ALGAEICIDE. Active Ingredients: poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34736-U. Owens Service. OWNECIDE N-175. Active Ingredients: Disodium cyanodithiocarbamate 6.35%; Ethylenediamine 2.40%; Potassium N-methyldithiocarbamate 8.75%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34736-R. Owens Service. OWNECIDE W-10. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34736-E. Owens Service. OWNECIDE W-20. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34736-L. Owens Service. OWNECIDE N-87. Active Ingredients: disodium cyanodithiocarbamate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5576-GR. Regal Supply & Chemical, 1705 Texas Ave., PO Box 1955, El Paso, TX 79950. ENDWEED. Active Ingredients: 2,4-bis(isopropylamino) - 6-methoxy-s-triazine 3.76%; PCP (pentachloro-phenol) 2.00%; Petroleum distillate 78.92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5576-GN. Regal Supply & Chemical. SIX SHOOTER HIGH CONCENTRATE A FOOD INDUSTRY INSECT SPRAY. Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 10.0%; Petroleum Distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5576-GE. Regal Supply & Chemical. STRILATE. Active Ingredients: 2,4-bis(isopropylamino) - 6-methoxy-s-triazine 1.5%; PCP(penta-chloro-phenol) 0.8%; Petroleum distillate 93.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226-GT. Rockwood Chemical Co., PO Box 34, Brawley, CA 9227.

ROCKWOOD BRAND PARATHION-METHYL ETHYL 6-2. Active Ingredients: O,O-dimethyl O-p-nitrophenyl phosphorothioate 58.60%; O,O-diethyl O-p-nitrophenyl phosphorothioate 19.53%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-EG. Western Farms Service, Inc., c/o Shell Chemical Co., Suite 200-1025 Conn. Ave., N.W., Washington DC 20036. WESTERN FARM SERCIDE NEMATOX 8.6 E EMULSIFIABLE SOIL FUMIGANT. Active Ingredients: 1,2-Dibromo-3-Chloropropane 67.6%; Other Halogenated C₂ Compounds 3.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-ET. Western Farms Service, Inc. WESTERN FARM SERVICE D-D SOIL FUMIGANT. Active Ingredients: Chlorinated C Hydrocarbons, including 1,3-Dichloropropane, 1,2-Dichloropropane, 3,3-Dichloropropane, 2,3-Dichloropropane, and other Related Chlorinated Hydrocarbons 100.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-EA. Western Farm Services, Inc. PHOSDRIN 4E EMULSIFIABLE INSECTICIDE. Active Ingredients: ALPHA Isomer of 2-Carbomethoxy-1-methylvinyl Dimethyl Phosphate 28.3%; Related Compounds 18.8%; Petroleum Hydrocarbons (Xylene) 47.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-EL. Western Farm Service, Inc. NEMATOX SOLUTION 4.3. Active Ingredients: 1,2-Dibromo-3-chloropropane 43.7%; Other halogenated C₂ Compounds 2.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-EU. Western Farm Service, Inc. WESTERN FARM SERVICE NEMATOX SOLUTION 8.6 SOIL FUMIGANT. Active Ingredients: 1,2-Dibromo-3-Chloropropane 67.6%; Other halogenated C₂ Compounds 3.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34744-R. Water Services Co., 205 S.W. 64 Terrace, Oklahoma City OK 73139. WATER SERVICES CO. ALGAEICIDE W. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34745-R. Western Services Co., 21877 Euclid Ave., Cleveland OH 44117. BIO-BAR. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1270-RIE. Zep Manufacturing Co., PO Box 2015, Atlanta GA 30301. ZEP X-5574 GRANULAR CONCENTRATED POOL CHLORINE. Active Ingredients: Sodium Dichloro-S-Triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of August 7, 1974 (39 FR 28456).

EPA File Symbol 432-LGL. S. B. Penick & Co., a Unit of CPC Intl., Inc., 100 Church St., New York NY 10007. COATED DETHMOR. Active Ingredients: Warfarin 3-(a-acetylbenzyl) - 4-Hydroxycoumarin 0.5%. Published as Warfarin 3-(a-acetylbenzyl)-3-Hydroxycoumarin 0.5%.

EPA Reg. No. 3125-210. Chemagro, Division of Baychem Corp., PO Box 4913, Kansas City MO 64120. DYLOX 4 INSECTICIDE. Published as phosphate rather than phosphonate.

Dated: August 19, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-19635 Filed 8-23-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FOODSERVICE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Foodservice Advisory Committee will meet Friday, September 6, 1974 at 4 p.m. at the St. Francis Hotel, San Francisco, California.

The Committee was established to advise the Administrator, Federal Energy Administration, about foodservice interests and problems as they relate to national energy conservation programs.

The agenda for the meeting is as follows:

1. Introduction and general remarks.
2. Need for base-line data on energy consumption in foodservice industry.
3. Exploration of energy conservation potential in foodservice industry.
4. Identify target areas of conservation, e.g. purchase of equipment, training of employees, transportation and delivery, long term such as building design.
5. Discussion of possible pilot projects.
6. Means of sharing energy management ideas within the industry.
7. Foodservice industry's promotion of energy conservation to public.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee shall be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office, Federal Energy Administration, Washington, D.C., phone number (202) 961-7022.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on August 21, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74-19703 Filed 8-23-74;8:45 am]

RESIDUAL FUEL OIL

Decision Not To Exempt Residual Fuel Oil From the Allocation Regulations

A notice of proposed rulemaking and public hearing concerning the exemption

of residual fuel oil from the Mandatory Petroleum Allocation Regulations was issued on July 3, 1974 (39 FR 24669, July 5, 1974). Written comments were invited through July 22, 1974 on which date public hearings were scheduled to begin, and the proposed effective date for the exemption was to be August 1, 1974. At the opening of the public hearings on July 22, it was announced that the time for submission of written comments would be extended through August 2, 1974. It was also announced that the proposed effective date of exemption would be changed from August 1 to September 1, 1974. Notice of the extensions of time for written comments and for effecting exemption was issued July 22, 1974 (39 FR 27149, July 25, 1974).

Over 70 written comments were received by FEA in response to the notice of proposed rulemaking and eighteen presentations were made during the public hearings July 22 and 23. Those making comments represented consumer groups, refiners, manufacturers, the Congress, state and local governments, the petroleum industry, independent fuel marketers, trade associations and civic groups.

Following consideration of these comments and a review of all information available to FEA regarding the residual fuel oil market, FEA has decided to defer the possible exemption of residual fuel oil from the Mandatory Petroleum Allocation Regulations. Therefore, the current allocation program for residual fuel oil will remain in effect.

FEA's decision to defer action on exempting residual fuel oil from allocation was primarily based on uncertainties with respect to availability of residual fuel oil in the New England area and the impact exemption might have on independent marketers of residual fuel oil.

Issued at Washington, D.C., August 20, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.74-19653 Filed 8-23-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74-92]

ALGONQUIN GAS TRANSMISSION CO.

Tender of Revised Sheets

AUGUST 14, 1974.

Take notice that on July 29, 1974, Algonquin Gas Transmission Company (Algonquin Gas), tendered for filing certain revised pages to Statement G of its Notice of Rate Changes in Docket No. RP74-92.¹

Algonquin Gas states that subsequent to its filing of its Notice of Rate Changes, it discovered errors in the figures for sales volumes under its SNG-1 Rate

¹ The revised pages are:

- Statement G, Page 2 of 2
- Statement G, Schedule G-1, Page 3 of 6
- Statement G, Schedule G-4, Page 1 of 6
- Statement G, Schedule G-4, Page 2 of 6
- Statement G, Schedule G-4, Page 3 of 6

Schedule for the base period. It states that the changes would increase its sales and revenues, but in no way change the test period level of sales nor the proposed increase in rates. Algonquin Gas also states that it has mailed the changes to its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19689 Filed 8-23-74;8:45 am]

[Docket No. RP75-9]

ARKANSAS LOUISIANA GAS CO.

Filing of Tariff Sheets

AUGUST 19, 1974.

Take notice that on July 29, 1974, Arkansas Louisiana Gas Company (Arkla) tendered for filing First Revised Sheet Nos. 140 and 141 to its FPC Gas Tariff Original Volume No. 3. Arkla states that this filing will raise the price of gas sold to Oklahoma Natural Gas Gathering Corporation (Oklahoma Natural Gathering) and Pioneer Gas Products Company (Pioneer) to \$0.195 per Mcf which does not exceed the Hugoton-Anadarko area rate level currently applicable to this gas. According to Arkla, this gas is being sold pursuant to Arkla's Rate Schedule XFS-20 (filed as Original Sheet No. 133 to Arkla's FPC Gas Tariff Original Volume No. 3) which is a contract between Arkla, as seller, and Oklahoma Natural Gas Company (predecessor to Oklahoma Natural Gathering) and Warren Petroleum Company (predecessor to Pioneer) as buyers. Arkla further states that copies of this filing have been mailed to its two customers under its contract. The proposed effective date of this filing is the effective date authorized by the Commission.

Any person desiring to be heard or to protest said filing, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-

testants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-19690 Filed 8-23-74; 8:45 am]

[Docket No. CP74-204]

**COLUMBIA GULF TRANSMISSION CO.
ET AL.**

Amendment to Application

AUGUST 20, 1974.

Take notice that on August 12, 1974, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Tenneco Building, Houston, Texas 77002 [hereinafter jointly referred to as "Applicants"] filed in Docket No. CP74-204 a second amendment to their application in said docket pursuant to section 7(c) of the Natural Gas Act, in order to request modification of the time for implementation of certain phases of their proposed project and to request authorization for Columbia Gulf to provide an interim transportation service for Natural, all as more fully set forth in the second amendment to said application, which is on file with the Commission and open to public inspection.

In the original application in the instant docket¹ Columbia and Natural sought authorization to construct certain facilities to enable them to exchange available pipeline capacity in the Blue Water Project² and the Stingray Pipeline Company system³ for the purpose of transporting natural gas from offshore Louisiana into their onshore pipeline systems. Tennessee joined as an applicant in the first amendment to the application⁴ for the purpose of connecting certain of its reserves to the Blue Water Project.

Applicants, by this amendment, request that the proposed project in the instant docket be authorized by the Commission in two phases. Phase I would entail the Commission's approval of the construction and operation of pipeline facilities in the Eugene Island Area, off-

shore Louisiana, for the purpose of enabling Natural to use 75,000 Mcf per day of Columbia Gulf's entitlement in the Blue Water Project in order to transport onshore reserves from Block 331, Eugene Island Area. These facilities, as described in the previous filings in this docket, consist of 1) a 16.4-mile 20-inch diameter pipeline jointly constructed by Applicants from Columbia Gulf's existing facilities in Eugene Island Block 309 to a platform serving as a point of interconnection in Eugene Island Block 250; 2) the platform in Eugene Island Block 250, on which will be installed a 3,000 horsepower gas turbine-compressor package and measurement facilities; 3) 4.9 miles of 24-inch diameter pipeline jointly constructed by Applicants to connect said platform with the offshore header of the Blue Water Project in Eugene Island Block 241; and 4) approximately 100 feet of 10-inch diameter pipeline to interconnect the proposed platform in Block 250 to an existing pipeline of Michigan Wisconsin Pipe Line Company in order to divert gas volumes from reserves of Shell Oil Company dedicated to Natural in Eugene Island Block 331 for transportation onshore.

Phase I would also entail Commission approval of an interim transportation service, at a price of 4.6 cents per Mcf, to be provided by Columbia Gulf for Natural from the point of interconnection of the above-described facilities with the Blue Water Project to designated exchange points on shore. This transportation service will terminate upon commencement of deliveries of exchange gas under proposed phase II of the project in the instant application.

Phase II entails approval by the Commission for construction and operation by Columbia Gulf of 5.4 Miles of 12-inch pipeline connecting reserves in West Cameron Block 485 to the Stingray Pipeline in West Cameron Block 509 and approximately 1.0 mile of 10-inch pipeline connecting reserves in West Cameron Block 531 to the Stingray pipeline in West Cameron Block 510. Upon construction of these facilities Columbia Gulf would then have available 75,000 Mcf per day of Natural's capacity of the Stingray pipeline. The transportation service proposed for Phase I will then terminate and exchange of gas will then commence between Columbia Gulf and Natural.

Although the original application contemplated exchange of capacity and made no mention of an interim transportation service, the instant amendment to the application states that Columbia Gulf has experienced delays in the subject West Cameron blocks pre-

paratory to developmental drilling. An exploratory well is still to be drilled in West Cameron Block 531; and indications are that substantially larger reserves underlie West Cameron Block 485 and its adjoining Block 507, the reserves of which Columbia Gulf also has acquired. Since the West Cameron reserves will not be ready to be attached before the Summer of 1975, Columbia Gulf desires to postpone installation of the subject West Cameron facilities until the 1975 offshore construction season.⁵

No facilities which have not already been proposed in the previous filings in the instant docket are proposed by this second amendment to the application.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-19688 Filed 8-23-74; 8:45 am]

[Docket No. RP72-134]

**EASTERN SHORE NATURAL GAS CO.
Purchased Gas Cost Adjustment to Rates
and Charges**

AUGUST 19, 1974.

Take notice that Eastern Shore Natural Gas Company ("Eastern Shore") on August 9, 1974, tendered for filing Tenth Revised Sheet No. 3A, Tenth Revised PGA-1, Eleventh Revised Sheet No. 3A and Eleventh Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1 to become effective September 1, 1974. The proposed changes would increase revenues from jurisdictional sales and service by approximately \$272,000 annually based on sales for the 12-month period ending June 30, 1974.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to decrease the demand charges and to increase the commodity or delivery charges in its rate Schedules CD-1, CD-3, G-1, PS-1, GSS-1, LGA, E-1 and I by amounts equivalent to the decreases and increases in the similar rates of its supplier, Trans-

¹Notice of the application was published in the FEDERAL REGISTER on March 12, 1974 (39 FR 9574).

²The Blue Water Project Pipeline system, in which Columbia Gulf and Tennessee have dedicated substantial capacity, is located in the Vermilion, South Marsh Island, Eugene Island and Ship Shoal Areas, offshore Louisiana.

³The proposed Stingray system, in which Natural has dedicated substantial capacity, will traverse the East and West Cameron Areas, offshore Louisiana.

⁴Notice of the amendment was published in the FEDERAL REGISTER on July 19, 1974 (39 FR 26485).

⁵Tennessee will use these facilities to attach its gas from Eugene Island Blocks 338 and 339 to the Blue Water Project. Gas will be transported by Natural and Columbia Gulf, through facilities constructed under authorization issued in other dockets, to Eugene Island Block 309 at the point of interconnection with the 20-inch pipeline proposed in the instant docket.

⁶The application states that the producers in the West Cameron Area blocks, which are the subjects of the instant application, plan to seek certification under § 2.75 of the Commission's general policy and interpretations.

continental Gas Pipe Line Corporation, as contained in the latter's filing in Docket No. RP75-3 dated July 15, 1974. Eastern Shore requests waiver of the notice requirements of § 154.22 of the regulations under the Natural Gas Act and section 20.2 of the general terms and conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective as of September 1, 1974, coincident with the proposed effective date of Transcontinental's rate changes. If the Commission suspends Transcontinental's proposed rate increase filing, then Eastern Shore requests that its proposed changes in rates become effective to coincide with the effectiveness of Transcontinental's rates.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19701 Filed 8-23-74; 8:45 am]

[Docket No. RP73-103]

MCCULLOCH INTERSTATE GAS CORP.

Certification of Settlement Agreement and Hearing Record

AUGUST 19, 1974.

Take notice that on July 29, 1974, the Presiding Administrative Law Judge certified to the Federal Power Commission, (1) a Settlement Agreement between McCulloch Interstate Gas Corporation (McCulloch), Colorado Interstate Gas Company (a Division of Colorado Interstate Corporation) (CIG) and the Commission Staff, and (2) the hearing record in this docket.

The aforementioned Settlement Agreement, dated July 10, 1974, and hearing record relate to McCulloch's rates to CIG. The rate of 37.46¢/Mcf proposed by the Settlement Agreement reflects a rate increase of 7.58¢/Mcf resulting in an increase in McCulloch's annual revenues of approximately \$772,052 (based on actual volumes of deliveries for the year ended May 31, 1974). In addition, the Settlement Agreement provides for an increase in McCulloch's annual depreciation rate (to 8.33 percent) and allows for an overall rate of return of 9.70 percent. The Commission Staff has agreed that the rates proposed by this Settlement Agree-

ment are just and reasonable and should be permitted to become effective as of November 1, 1973.

Copies of this certification are on file with the Commission and are available for public inspection. Any person desiring to comment upon matters contained in this certification should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 30, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19699 Filed 8-23-74; 8:45 am]

[Docket Nos. E-8394, E-8439]

METROPOLITAN EDISON CO.

Further Extension of Time

AUGUST 19, 1974.

On August 15, 1974, the Borough of Kutztown filed a motion for a further extension of the prehearing conference date as set by notice issued May 24, 1974. The motion states that all parties have been advised and have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Prehearing conference, August 21, 1974 (10 a.m. E.D.T.).

Hearing, to begin upon conclusion of prehearing conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19691 Filed 8-23-74; 8:45 am]

[Docket No. RP73-43]

MID LOUISIANA GAS CO.

Proposed Change in Rates

AUGUST 19, 1974.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on August 9, 1974, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Substitute Eighth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1 and I-1, to the effective date of August 1, 1974, pursuant to Commission Order dated July 31, 1974 and that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must

file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19698 Filed 8-23-74; 8:45 am]

[Docket No. RP73-110]

NATURAL GAS PIPE LINE CO. OF AMERICA

Certification of Settlement Agreement

AUGUST 19, 1974.

Take notice that on March 22, 1974, the Presiding Administrative Law Judge certified a Settlement Agreement (Settlement) to the Commission in the above captioned proceeding.

The certification states that the Settlement was presented to the Presiding Administrative Law Judge on March 18, 1974, and purports to settle all issues in the proceeding with the exception of the efficacy of including coal lease payments in Natural Gas Pipe Line Company of America's (Natural) cost of service and cost classification and allocation and rate design. The certification further states that April 1, 1974, was set for the date for mailing initial responses of the parties to the Settlement and April 15, 1974, for reply comments. Finally, the certification states that testimony with respect to the issues involved in the Settlement and underlying exhibits were being certified to the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19696 Filed 8-23-74; 8:45 am]

[Docket No. E-7690]

NEW ENGLAND POWER POOL AGREEMENT (NEPOOL)

Extension of Time and Postponement of Prehearing Conference and Hearing

AUGUST 19, 1974.

On August 5, 1974, the New England Power Pool Executive Committee filed a motion for an extension of time from August 28, 1974, to September 27, 1974, within which the NEPOOL Management Committee shall file direct testimony and exhibits in the above-designated

matter, and that the other procedural dates be extended accordingly. The motion states that Commission Staff Counsel has no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of direct testimony and exhibits by NEPOOL Management Committee, September 27, 1974.

Service of direct evidence by all other parties, October 25, 1974.

Service of rebuttal evidence, November 15, 1974.

Commencement of hearing, November 19, 1974 (10:00 a.m. E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19692 Filed 8-23-74; 8:45 am]

[Docket No. E-8915]

PUBLIC SERVICE CO. OF OKLAHOMA
Amended Service Schedule

AUGUST 19, 1974.

Take notice that on July 22, 1974, Public Service Company of Oklahoma tendered for filing an amended Service Schedule ES dated July 1, 1973, between PSCO and the Empire District Electric Company to replace the existing Service Schedule ES Emergency Service dated November 16, 1970, Supplement 7 to Rate Schedule FPC 181.

Public Service Company of Oklahoma on July 22, 1974, also tendered for filing a Certificate of Concurrence dated July 11, 1974, by the Empire District Electric Company and emergency energy transactions comparison between the two parties for the twelve month period ending May 31, 1974, under the existing and proposed rates.

The change made in the amended Service Schedule ES is the rate at which emergency service would be supplied and paid for. The increase in the rate will cause the price for emergency service to be more nearly in line with present day costs.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19693 Filed 8-23-74; 8:45 am]

[Docket No. E-8974]

PUBLIC SERVICE CO. OF OKLAHOMA
Amended Service Schedule

AUGUST 19, 1974.

Take notice that on August 12, 1974, Public Service Company of Oklahoma tendered for filing an amended Service Schedule ES dated July 1, 1973, between PSCO and Southwestern Public Service Company to replace the existing Service Schedule B Emergency Service dated January 22, 1971, Supplement 2 to Rate Schedule FPC 184.

Public Service Company of Oklahoma on August 12, 1974, also tendered for filing a Certificate of Concurrence dated August 1, 1974, by Southwestern Public Service Company and emergency energy transactions comparison between the two parties for the twelve month period ending May 31, 1974, under the existing and proposed rates.

The change made in this amended Service Schedule ES is the rate at which emergency service would be supplied and paid for. The increase in the rate will cause the price for emergency service to be more nearly in line with present-day costs.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19695 Filed 8-23-74; 8:45 am]

[Docket No. RP73-99]

SOUTHWEST GAS CORP.
Notice of Refunds

AUGUST 19, 1974.

Take notice that on May 20, 1974, Southwest Gas Corporation (Southwest) tendered for filing a report of refunds made to Sierra Pacific Power Company and California-Pacific Utilities for the billing period of April 1, 1974, through April 30, 1974. Southwest states that these refunds were made in compliance with the Commission's April 8, 1974 order approving rates settlement in the above captioned proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North

Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 3, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19700 Filed 8-23-74; 8:45 am]

[Docket No. RP71-11]

TENNESSEE NATURAL GAS LINES, INC.
Filing of Revised Tariff Sheets

AUGUST 19, 1974.

Take notice that on July 30, 1974, Tennessee Natural Gas Lines, Inc. filed in the above docket certain revised sheets¹ to its FPC Gas Tariff, First Revised Volume No. 1. The subject tariff sheets are being filed in substitution for those previously filed by Tennessee Natural on June 14, 1974, and are proposed to become effective on July 8, 1974.

Tennessee Natural states the present filing is being made to permit it to track increases in the cost of gas purchased from its supplier, Tennessee Gas Pipeline Company, which became effective on July 8, 1974.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20425, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Tennessee Natural's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19697 Filed 8-23-74; 8:45 am]

[Docket No. E-8972]

VIRGINIA ELECTRIC AND POWER CO.
Contract Supplement

AUGUST 19, 1974.

Take notice that on August 12, 1974, Virginia Electric and Power Company

¹ Eighth Revised Sheet No. PGA-1 and third Revised Sheet No. PGA-2.

(Virginia) tendered for filing a contract supplement dated July 15, 1974, to Virginia Electric and Power Company's FPC Electric Tariff Original Volume No. 2 for the City of Harrisonburg, Virginia acting by and through the Harrisonburg Electric Commission. This supplement superseded Supplement B dated May 25, 1965.

Said supplement requests Commission authorization for Virginia to combine the City's new 69 kV Delivery Point with the existing 23 kV delivery point by totalized metering.

Virginia requests an effective date as that of the date of connection of facilities which is expected to occur sometime in October, 1974.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 5, 1974. Protests will be considered by the Commission is determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19694 Filed 8-23-74; 8:45 am]

FEDERAL RESERVE SYSTEM EQUITABLE BANCORPORATION

Order Approving Acquisition of Bank

Equitable Bancorporation, Baltimore, Maryland (Applicant), a bank holding company within the meaning of the Bank Holding Company Act (12 U.S.C. 1842), has applied for approval under section 3(a)(3) of the Act to acquire 100 percent of the voting shares of the successor by merger to Truckers and Savings Bank, Salisbury, Maryland (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, was given in accordance with section 3(b) of the Act and the time for filing all comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls four banking subsidiaries operating 99 offices with aggregate deposits of approximately \$1 billion, representing 13.7 percent of the total

commercial bank deposits in Maryland.¹ In terms of deposits, it is the State's second largest banking organization. Acquisition of Bank (deposits of approximately \$13.7 million)¹ would increase Applicant's share of deposits in Maryland by approximately .2 percent which would not represent a significant increase in the concentration of banking resources in the State.

Bank operates its main office and two branches in a relevant banking market that is approximated by Wicomico County and the northern part of Worcester County, Maryland. It ranks fifth in this market with 7.3 percent of total market deposits and competes with twelve other banks including the first, third, and fifth largest banks in the State. The closest banking office of Applicant to Bank is in Stevensville, Maryland, 73 road miles north of Bank's Salisbury office. Thus it appears that there is no existing competition between Applicant and Bank, nor is there any reasonable probability of future competition developing between the two due to the distance involved and the gradual population growth in the market area as compared with that of the State. Accordingly, the Reserve Bank concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant market.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are regarded as satisfactory, and these considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight in support of approval since Applicant's acquisition of Bank will give the latter access to a higher lending limit and flexibility in making loans, will enable it to expand its real estate and mortgage services, and will enable it to offer several other bank-related services of Applicant to its customers. It is the Reserve Bank's judgment, therefore, that the proposed acquisition would be in the public interest and that the application may be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 14, 1974.

[SEAL] WELFORD S. FARMER,
Senior Vice President.

[FR Doc.74-19663 Filed 8-23-74; 8:45 am]

¹ All banking data as of December 31, 1973.

OYSTERMEN'S BANK AND TRUST CO.

Order Approving Application for Merger of Banks

The Oystermen's Bank and Trust Company, Sayville, New York ("Oystermen's"), a State member bank of the Federal Reserve System has applied for approval of the Board of Governors of the Federal Reserve System pursuant to the Bank Merger Act (12 U.S.C. 1828 (c)) of the merger of that bank with Sayville Bank and Trust Co., Sayville, New York ("Sayville"), under the charter and title of Oystermen's, as a means to facilitate the acquisition of the voting shares of Oystermen's by First Commercial Banks Inc., Albany, New York, a bank holding company.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. This Reserve Bank has considered this application and all comments and views in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in this Reserve Bank's Order of even date approving the application of First Commercial Banks Inc. to acquire 100 percent of the voting shares of the successor to Sayville. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order, or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Federal Reserve Bank of New York, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 6, 1974.

[SEAL] THOMAS M. TIMLEN, Jr.,
Senior Vice President, Federal
Reserve Bank of New York.

CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-19666 Filed 8-23-74; 8:45 am]

FIRST BANCORP, INC.

Acquisition of Bank

First Bancorp, Inc., Corsicana, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Hillsboro State Bank, Hillsboro, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors

of the Federal Reserve System, Washington, D.C. 20551 to be received not later than September 12, 1974.

Board of Governors of the Federal Reserve System, August 16, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-19677 Filed 8-23-74; 8:45 am]

FIRST NATIONAL FINANCIAL CORP.

Acquisition of Bank

First National Financial Corporation, Kalamazoo, Michigan, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Gogebic National Bank of Ironwood, Ironwood, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than September 11, 1974.

Board of Governors of the Federal Reserve System, August 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-19673 Filed 8-23-74; 8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of American Bank of Commerce, Victoria, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than September 16, 1974.

Board of Governors of the Federal Reserve System, August 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-19670 Filed 8-23-74; 8:45 am]

INDIAN HEAD BANKS, INC.

Proposed Acquisition of Indian Head Bank Services Corporation

Indian Head Banks, Inc., Nashua, New Hampshire, has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to acquire voting shares of Indian Head Bank Services Corporation, Nashua, New Hampshire. Notices of the application were published on June 20 and 21, 1974, in various newspapers circulated in Nashua, Manchester and Concord, New Hampshire and Bellows Falls, Springfield, Brattleboro and Lebanon, Vermont.

Applicant states that the proposed de novo subsidiary would engage in the following activities: offering management consulting services, and investment and financial advisor services on a fee basis to non-affiliated banks. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 16, 1974.

Board of Governors of the Federal Reserve System, August 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-19674 Filed 8-23-74; 8:45 am]

INDUSTRIAL NATIONAL CORP.

Order Approving Acquisition of the Assets of J. R. Gentry d/b/a Security Loan Co.

Industrial National Corporation, Providence, Rhode Island, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)

(8) of the Act and § 225.4(b) (2) of the Board's Regulation Y, to acquire, through its wholly-owned indirect subsidiary, Southern Discount Company, Atlanta, Georgia ("Southern"), all of the assets of J. R. Gentry, d/b/a Security Loan Co., Bartow, Florida ("Security"), a company that engages in the activities of making consumer loans and acting as agent for the sale of credit life and credit accident and health insurance. Upon consummation of the transaction, Applicant proposes to utilize the assets of Security to engage in the following activities: making floor plan loans; making consumer loans, including direct consumer loans and purchase of consumer installment sales contracts; making second mortgage real estate loans; and acting as agent and underwriter with respect to credit life, credit accident and health insurance, and as agent with respect to property damage insurance on collateral in connection with extensions of credit by Southern at the present office location of Security. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1), (9) and (10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 17593). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c) (8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the largest banking organization in Rhode Island, controls one bank with total deposits of approximately \$1.4 billion, representing 56 percent of the total deposits in commercial banks in the State.¹ Applicant also controls a number of nonbanking subsidiaries principally engaged in personal property leasing, factoring, commercial financing, consumer financing, and mortgage banking.

Security (gross receivables of approximately \$64,000)² is a sole proprietorship operating one office in Bartow, Florida. Within the relevant geographic market,³ Security competes with 59 offices of consumer finance companies, 30 credit unions and 21 commercial banks and holds a market share of less than two-tenths of 1 percent of the total, estimated consumer loans outstanding in the market. One of Applicant's subsidiaries, South-

¹ All banking data are as of December 31, 1973, and reflect holding company formations and acquisitions approved through July 31, 1974.

² Gross receivables data are as of December 31, 1973.

³ The relevant geographic market for purposes of analyzing the competitive effects of the Security acquisition is approximated by the Lakewood-Winter Haven SMSA.

ern, is engaged in consumer financing activities and operates a total of 89 offices, in Florida, North Carolina, South Carolina, Georgia and Tennessee. Two of Southern's 27 Florida offices are located within this market, and together hold less than 2 percent of the market's total estimated consumer loans outstanding. The office of Southern closest to Security is located 25 miles away in Lakeland. However, there does not appear to be any meaningful competition between Security and the Southern offices, nor any of Applicant's other subsidiaries. On this basis, and other facts of record, the Board concludes that this proposed transaction would not have significant adverse effects on existing competition. Furthermore, in view of the size of Security, the size of Southern's present market share, and the relatively large number of competitors already operating in the market, it does not appear that Applicant's acquisition of Security would foreclose the development of significant competition within the relevant market.

In light of the 1973 change in Florida law permitting an increase in the limitation on small loans from \$600 to \$2500, consummation of this proposal is expected to provide access to the additional financial resources needed to maintain the Bartow office as a viable competitor in the market, as well as make additional funds available for lending in the area.

In view of the limited scope of the credit-related insurance activities of Security, it does not appear that Applicant's acquisition of these activities would have any adverse effects on existing or future competition; nor is there any evidence in the record indicating that the proposed transactions would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,
effective August 16, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-19665 Filed 8-23-74; 8:45 am]

*Voting for this action: Chairman Burns and Governors Sheehan, Bucher and Wallich. Absent and not voting: Governors Mitchell, Brimmer and Holland.

MERCANTILE BANCORPORATION, INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 90 percent of the voting shares, plus directors' qualifying shares, of The Drovers and Merchants Bank, St. Joseph, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered by the Board in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Missouri, presently controls 18 banks¹ with aggregate deposits of \$1.5 billion, representing about 10 percent of total commercial bank deposits in Missouri.² Acquisition of Bank, with \$9.2 million in deposits, would increase Applicant's share of commercial bank deposits in the State by .06 of one percentage point and would not result in any significant increase in the concentration of banking resources in Missouri.

Bank, the sixth largest of 16 banking organizations in the St. Joseph banking market (which is approximated by all of Andrew County, Missouri, and portions of Buchanan and DeKalb Counties, Missouri, and Doniphan County, Kansas), holds 2.4 percent of total commercial bank deposits in the market. The two largest banking organizations in the market own, respectively, two banks, holding 32.8 percent of the total deposits in the market, and four banks, holding 32.1 percent of the total deposits in the market. Applicant's nearest subsidiary bank is located 54 miles south of Bank in the Kansas City banking market. No significant competition exists between Bank and any of Applicant's subsidiary banks and, due to Missouri branch banking restrictions, it is unlikely that any will develop in the near future. A slightly declining population in St. Joseph makes conditions for de novo entry unfavorable. Applicant's acquisition of Bank would appear to represent a foothold entry in the St. Joseph banking market. Accordingly, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area.

The financial and managerial resources and prospects of Applicant and its subsidiaries are all regarded as satis-

¹This total does not include an approved de novo bank, not yet opened, or three existing banks approved in July—Bank of Memphis, approved July 15, 1974, The Farmers Bank of Bowling Green, approved July 22, 1974, and Lewis & Clark State Bank of St. Louis County, approved July 26, 1974.

²Deposit data are as of December 31, 1973, adjusted to reflect holding company acquisitions approved through June 30, 1974.

factory and consistent with approval of the application. The financial condition of Bank is considered satisfactory. Also, Bank's need for management succession and Applicant's willingness and ability to provide such reflect favorably upon this application. Applicant's affiliation with Bank should enable Bank to expand the range of banking services offered and Applicant will assist Bank in studying the feasibility of a remote drive-in facility and expansion or relocation of its main office. Considerations relating to the convenience and needs of the community are consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,
effective August 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-19668 Filed 8-23-74; 8:45 am]

MOUNTAIN FINANCIAL SERVICES, INC.

Order Denying Formation of Bank Holding Company

Mountain Financial Services, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of the formation of a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Northwest State Bank, Arvada, Colorado ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. The purpose of the proposed transaction is to effect a transfer of ownership of Bank from individuals to a corporation owned by the same individuals with no change in the Bank's management or operations. Bank is a recently-opened bank and no meaningful deposits figures or market data are yet available.¹ Since Applicant pres-

¹Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governors Brimmer and Wallich.

²Bank opened for business on April 29, 1974.

ently has no subsidiaries, consummation of the proposal would not have an adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the relevant market. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application.

As it has indicated on previous occasions, the Board believes that a holding company should be a source of financial strength for its subsidiary bank(s) and every proposed acquisition or formation is closely examined with this consideration in mind. With respect to the subject proposal, it appears that the future prospects of Applicant are almost entirely dependent on the financial resources of Bank. In this regard, Applicant expects to service the \$525,000 debt it will incur as a part of this transaction over a twelve year period primarily through dividends from Bank averaging approximately 52 per cent of bank's projected net income. However, given the fact that Bank has only recently opened for business and has not yet achieved a record of profitability, the Board is unable to conclude that Applicant's projected earnings are reasonable or attainable. Furthermore, even if Applicant's projections are realized, the projected earnings for Bank do not, in the Board's view, provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements as well as any unexpected problems that might arise at Bank. In addition, the high level of dividend pay-out from Bank necessary for Applicant to service its debt could inhibit growth in Bank's capital at a rate compatible with its projected asset growth, thus impairing Bank's financial condition and its ability to become a viable banking organization in meeting the banking needs of the community it serves. Accordingly, on the basis of the record, the Board concludes that the considerations relating to the financial aspects of Applicant's proposal weigh against approval of the application.

Applicant does not propose, as part of this application, to make any changes or additions in the services presently offered by Bank. Thus, the considerations relating to the convenience and needs of the community to be served do not lend any significant weight in favor of approval of the application. Moreover, in view of the proposed debt-retirement plan, consummation of the proposal could diminish Bank's ability to continue to serve the area as a banking alternative.

On the basis of all the facts in the record, it is the Board's judgment that the financial considerations involved in the proposed transaction present adverse factors weighing against approval of the application. Accordingly, the Board concludes that consummation of the proposal would not be in the public interest, and that the application should be denied.

By order of the Board of Governors,²
effective August 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.
[FR Doc. 74-19667 Filed 8-23-74; 8:45 am]

NEOSHO BANCSHARES, INC.

Formation of Bank Holding Company and
Proposed Acquisition of Thayer Insurance Agency

Neosho Bancshares, Inc., Thayer, Kansas, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 95 percent or more of the voting shares of The First State Bank, Thayer, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Neosho Bancshares, Inc. has also applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to acquire the assets of Thayer Insurance Agency, Thayer, Kansas. Notice of the application was published on March 22, 1974 in The Chanute Tribune, a newspaper circulated in Chanute, Kansas.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community not exceeding 5000 inhabitants. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 12, 1974.

*Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, Holland and Wallach. Absent and not voting: Governor Mitchell.

Board of Governors of the Federal Reserve System, August 16, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.
[FR Doc. 74-19676 Filed 8-23-74; 8:45 am]

PITTSBURGH NATIONAL CORP.

Order Approving Acquisition of Central Mortgage & Investment Co.

Pittsburgh National Corporation, Pittsburgh, Pennsylvania, a bank holding Company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c) (8) of the Act and § 225.4(b) (2) of the Board's Regulation Y, to acquire indirectly through its wholly-owned subsidiary, the Kissell Company, Springfield, Ohio ("Kissell"), voting shares of Central Mortgage & Investment Company, Colorado Springs, Colorado ("Central"), a company that engages in the activities of a mortgage banker, including originating, selling, and servicing mortgage loans for its own account or for the accounts of others.¹ Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4 (a) (1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 2518). The time for filing comments and views has expired, and the Board has considered this application and all comments and views received in the light of the factors set forth in section 4(c) (8) of the Act (12 U.S.C. 1843(c) (8)).

Applicant's only banking subsidiary, Pittsburgh National Bank ("PNB"), operates 90 offices in western Pennsylvania and controls deposits of approximately \$2.0 billion, representing about 5 percent of the total deposits in commercial banks in the State.² Applicant engages in mortgage banking activities through PNB and two other direct subsidiaries, Pittsburgh National Mortgage Corporation ("PNMC") with an office in Pittsburgh, Pennsylvania, and Kissell.³

Central, with a mortgage servicing portfolio of \$111 million (as of June 30, 1973), ranks 203rd among the nation's

¹ Central also engages in certain insurance activities; however, Applicant has stated that such activities will be divested prior to consummation of the acquisition.

² All banking data are as of December 31, 1973.

³ Applicant acquired Kissell in 1969; accordingly, under the provisions of section 4 (a) (2) of the Act, Kissell may not be retained by Applicant beyond December 31, 1980, without Board approval. Applicant has filed with the Board an application for retention of Kissell under section 4(c) (8) of the Act. The Board's determination in the instant proposal does not imply present or future approval of such a retention application which will be separately considered by the Board on the basis of the statutory factors set forth in the Act.

mortgage banking firms and engages primarily in the origination and servicing of loans on residential properties through three offices located in Pueblo, Denver, and Colorado Springs, Colorado. During 1972, Central originated \$16 million of residential mortgage loans in four Colorado residential mortgage markets,* and its share of 1-4 family mortgage originations in these markets ranged from 0.3 to 3.5 percent. In addition, Central originated \$0.3 million of commercial loans and \$0.8 million of construction loans.

Applicant's subsidiary, Kissell, is the nation's tenth largest mortgage banking company based on its mortgage servicing portfolio of about \$1.2 billion (as of June 30, 1973), and engages in the origination and servicing of all types of mortgage loans through 28 offices located in 14 states. Kissell presently operates an office in Denver, Colorado, and in 1972 originated \$0.2 million of 1-4 family residential mortgage loans which were derived primarily from its Colorado construction projects; \$0.5 million of loans on income-producing properties; and \$14.5 million of construction loans. Applicant's acquisition of Central would not significantly increase the aggregate loan servicing volume of Applicant's mortgage banking subsidiaries, nor would it change Kissell's rank as the tenth largest mortgage banking firm in the event the Board subsequently approves the consolidation of Central into Kissell.

It appears that consummation of the acquisition would not eliminate a significant amount of existing competition since, in Colorado, Kissell deals primarily with construction loans while Central deals primarily with residential mortgage loans. Consummation of the proposal would, however, eliminate the possibility of additional competition developing between these organizations in the future. Nevertheless, there are several factors mitigating this adverse competitive impact. Central's relatively small size makes this acquisition tantamount to a foothold acquisition, and there are a large number of other mortgage lending firms competing in the markets in which Central operates in Colorado. In addition, Central reduced the size of its operations in 1973 by closing two of its offices and Central's earnings have declined substantially in the past two years. On this basis, it does not appear that consummation of this proposal would have significant adverse effects on future competition. Furthermore, the benefits to the public which can reasonably be expected to result from this proposal, as discussed below, outweigh possible adverse effects.

Affiliation with Applicant would give Central access to Kissell's expertise, substantial financial resources, widespread investor relationships, and would enable Central to expand the scope of its lending

activities in all phases of mortgage banking. Through the utilization of Kissell's centralized loan servicing facilities, Central could be expected to realize some operating economies. These benefits would not only provide greater convenience to the public, but could also be expected to strengthen and revitalize Central as a viable competitor in the mortgage banking business. Accordingly, the benefits to the public that can reasonably be expected to result upon consummation of this proposal, such as increased efficiency of operations, greater convenience to the public and revitalization of Central as a competitor, outweigh any possible adverse effects on the public interest, such as an undue concentration of resources, unfair competition, conflicts of interests, or unsound banking practices. Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to result in benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved.

Applicant proposes to acquire Central through its wholly-owned subsidiary, Kissell, and subsequently plans to merge Central's assets and business operations into Kissell. Applicant acquired Kissell prior to 1970 and, unless the Board approves Applicant's application to retain shares of Kissell, such shares must be disposed of by December 31, 1980. The merger of Central's assets and business operations into those of Kissell would make segregation and separation of Central's operations difficult in the event divestiture of Kissell is required by the Board. Accordingly, until the Board takes action on Applicant's application to retain shares of Kissell, Kissell shall maintain separately the assets and business operations of Central and operate it as a separate entity. This determination is additionally subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland.

By order of the Board of Governors,² effective August 16, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc. 74-19664 Filed 8-23-74; 8:45 am]

ROCK CITY BANCSHARES, INC.

Formation of Bank Holding Company

Rock City Bancshares, Inc., Rock City, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80.27 per cent of the voting shares of Rock City Bank, Rock City, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 9, 1974.

Board of Governors of the Federal Reserve System, August 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc. 74-19669 Filed 8-23-74; 8:45 am]

SUN BANKS OF FLORIDA, INC.

Acquisition of Banks

Sun Banks of Florida, Orlando, Florida, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Bank of Pasco County, Dade City, Florida and Citizens Bank of Pasco, Zephyrhills, Florida. The factors that are considered in acting on the applications are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than September 16, 1974.

Board of Governors of the Federal Reserve System, August 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc. 74-19675 Filed 8-23-74; 8:45 am]

UNION BANCORPORATION, INC.

Formation of Bank Holding Company

Union Bancorporation, Inc., Union Grove, Wisconsin, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 87.75 percent of the voting shares of State Bank of Union Grove, Union Grove, Wisconsin. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago.

*The four markets are the three cities in which Central presently has offices, plus Fort Collins, Colorado. However, Central closed its Fort Collins office at the end of 1973.

² Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Wallach. Absent and not voting: Governors Mitchell, Brimmer, and Holland.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 16, 1974.

Board of Governors of the Federal Reserve System, August 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-19672 Filed 8-23-74; 8:45 am]

WALHALLA BANK HOLDING CO.

Formation of Bank Holding Company

Walhalla Bank Holding Company, Walhalla, North Dakota, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 98.5 per cent of the voting shares of Walhalla State Bank, Walhalla, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 9, 1974.

Board of Governors of the Federal Reserve System, August 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-19671 Filed 8-23-74; 8:45 am]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 120; B-KY-423G]

PORTION—U.S. ATOMIC ENERGY PLANT, PADUCAH, KENTUCKY

Transfer of Property

Pursuant to section 2 of Pub. L. 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated June 20, 1974, the property comprising approximately 244.38 acres of unimproved land identified as Portion—U.S. Atomic Energy Plant, Paducah, Kentucky, has been conveyed to the State of Kentucky.

2. The above described property was conveyed for wildlife purposes in accordance with the provisions of section 1 of said Pub. L. 537 (16 U.S.C. 667b), as amended by Pub. L. 92-432.

Dated: August 15, 1974.

L. F. ROUSH,
Commissioner,
Public Buildings Service.

[FR Doc.74-19680 Filed 8-23-74; 8:45 am]

INTERIM COMPLIANCE PANEL (Coal Mine Health and Safety)

LAXARE, INC. AND CONSOLIDATION COAL CO.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity For Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

- (1) ICP Docket No. 4337-000, Laxare, Inc., Mine No. 1-B, Mine ID No. 48 03830 0, Peytona, West Virginia:
ICP Permit No. 4337-001-R-1 (Joy 12RB Cutter, Ser. No. 18768).
- (2) ICP Docket No. 4352-000, Consolidation Coal Company, Franklin No. 25 Mine, Mine ID No. 33 00963 0, New Athens, Ohio:
ICP Permit No. 4352-022-R-1 (National Mine Service 48-48 Shuttle Car, Ser. No. 1389).
ICP Permit No. 4352-025-R-1 (National Mine Service 48-45 Shuttle Car, Ser. No. 1100).
ICP Permit No. 4352-026-R-1 (National Mine Service 48-45 Shuttle Car, Ser. No. 1101).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days on or before September 10, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 19, 1974.

[FR Doc.74-19649 Filed 8-23-74; 8:45 am]

STEELES FORK MINING AND BULLION HOLLOW COAL CO., INC.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity For Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

- (1) ICP Docket No. 4264-000, Steeles Fork Mining, Steeles Fork Mine, Mine ID No. 44 00288 0, Coeburn, Virginia:
ICP Permit No. 4264-001 (Galis M 380 Roof Drill, Ser. No. 3896951),
ICP Permit No. 4264-004 (Wilcox Bolter, Ser. No. 2 PT 100-79).

- (2) ICP Docket No. 4320-000, Bullion Hollow Coal Company, Inc., Mine No. 19, Mine ID No. 44 01295 0, Wise, Virginia:
ICP Permit No. 4320-001-R-1 (Osborne 6.5 x 14 x 18 Push Out Car, Ser. No. 77).
ICP Permit No. 4320-002-R-1 (Wise 65 x 14 x 18 Push Out Coal Car, Ser. No. THR-3-#75).
ICP Permit No. 4320-003-R-1 (Wise THR-B Pushout Coal Car, Ser. No. 94).
ICP Permit No. 4320-004-R-1 (Wise THR-3 Push Out Coal Car, Ser. No. 84).
ICP Permit No. 4320-005-R-1 (Kersey 444 Rubber Tire Tractor, Ser. No. 6).
ICP Permit No. 4320-006-R-1 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 2).
ICP Permit No. 4320-007-R-1 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 1).
ICP Permit No. 4320-008-R-1 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 313).
ICP Permit No. 4320-009-R-1 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 346).
ICP Permit No. 4320-010-R-1 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 351).
ICP Permit No. 4320-011-R-1 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 321).
ICP Permit No. 4320-012-R-1 (Wise 4-S-L1 Rubber Tire Tractor, Ser. No. 3).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before September 10, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 20, 1974.

[FR Doc.74-19648 Filed 8-23-74; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 21, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which

the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Health Implications of Sewage Treatment Facilities, Form ----, Occasional, Weiner, Individuals & households within 5 kms of new waste water treatment plant.
Survey of chlorocarbon & pesticide waste for complete or partial chloronolysis, Form ----, Single Time, Weiner, V.C. producers, solvent producers, pesticide producers.
Report of Water Supply Used on Interstate Carriers, Form EPA-162, Annual, Evinger, Interstate carrier water supply systems.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: Follow-up Survey—University of Rochester Medical School Summer Fellows, Form OSHNIH-CA-19, Single time, Collins, Former students, University of Rochester Medical School.

Office of Education:

Financial Status & Performance Report, for Sec. 503 and 505, Title V-A, ESEA, Form OE-4439-1, Annual, Lowry, State education agencies.

Financial Status Report and Performance Report—Health and Nutrition Programs—Title VIII, Sec. 808, ESEA of 1965, Form OE-347-1, Semi-annual, Lowry, LEA's & non-profit private educational organizations.

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

Office of Education:

Financial Status Report & Performance Report, Title V-C, Elementary & Secondary Education Act, Form 4533-2, Annual, Lowry, SEA's & LEA's.

Second Follow-up Survey for the National Longitudinal Study of the High School Class of 1972, Form OE-2367-2, Single Time, Planchon, National Probability Sample.

Veteran Student Enrollment Verification Report: Veteran's Cost-of-Instruction Payments to Inst., Form OE-269-3, Semi-annual, Caywood, Postsecondary Institutions.

Departmental: MODVOP Mail Survey, re: Women in Health Professions Schools, Form OS-32-74, Single Time, Collins/Lowry Health professions school administrators.

Social Security Administration: Representative Payee Report for Supplemental Security Income, Form SSA-8180, Annual, Caywood, Representative Payee.

REVISIONS

DEPARTMENT OF DEFENSE

Department of the Air Force: Contract Depot Maintenance Reporting Procedures for

Contractors, Form ----, Occasional, NSD/Sheftel, AFLC Depot Maintenance Contractors.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Management and Budget Officer.

[FR Doc.74-19765 Filed 8-23-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CHICAGO BOARD OPTIONS EXCHANGE INC.

Proposed Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed a proposed amendment to its Option Plan pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). The CBOE proposes to amend Article I, section I (1) of the by-laws of Chicago Options Exchange Clearing Corporation (Referred to herein as "Corporation").

The amendment proposed by the Corporation is a clarification of the definition of the word "Designee" and is designed to make it clear that a person designated by a Clearing Member to serve on the Corporation's Board of Directors Committee is not required to act on behalf of the Clearing Members in its other dealings in the Corporation.

The proposed amendment will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendment and all such comments will be made available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

SHIRLEY E. HOLLIS,
Assistant Secretary.

AUGUST 9, 1974.

[FR Doc.74-19750 Filed 8-23-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Suspension of Trading

AUGUST 19, 1974.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 20, 1974 through August 29, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-19746 Filed 8-23-74;8:45 am]

[Rel. No. 8466; 811-2187]

FIRST SPECTRUM FUND, INC.

Proposal To Terminate Registration

AUGUST 19, 1974.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that First Spectrum Fund, Inc. ("Fund"), c/o Daniel L. Martin, Esquire, Cabell, Martin, Hammer & Gallo, 555 Madison Avenue, New York, New York 10022, registered under the Act as an open-end, diversified, management investment company, has ceased to be an investment company.

Fund was organized as a Delaware corporation on February 26, 1971, and registered under the Act by filing a Notification of Registration on Form N-8A with the Commission on April 26, 1971.

At an annual meeting of shareholders held on February 26, 1974, shareholders of the Fund approved a Plan of Dissolution and Complete Liquidation (the "Plan"). Pursuant to the Plan, all assets of the Fund have been sold for cash, a reserve set aside to pay the remaining obligations of the Fund, and an initial distribution made to shareholders. Approximately \$13,800 remains with the Custodian of the Fund to discharge any remaining liabilities of the Fund, and after discharging such liabilities the remaining cash will be distributed to the shareholders.

The Fund has filed a Certificate of Dissolution with the Secretary of State of Delaware, which became effective on March 18, 1974. The Fund is a corporation in dissolution pursuant to the General Corporation Law of Delaware and does not intend to make any further sales of securities or to operate as an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon applica-

tion, finds a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 16, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 74-19751 Filed 8-23-74; 8:45 am]

[Rel. No. 8468; 812-3503]

FOUNDERS OF AMERICAN INVESTMENT CORP. ET AL.

Filing of Application for Order Exempting Proposed Transaction

AUGUST 20, 1974.

Notice is hereby given that Founders of American Investment Corporation ("Founders"), 1000 West Sunshine Street, Springfield, Missouri 65804, a nondiversified, closed-end management investment company registered under the Investment Company Act of 1940 (the "Act"), National Investment Corporation, Inc. ("National") and American Investors Life Insurance Company, Inc. ("American"), 3301 Van Buren Street, Topeka, Kansas 66611, have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale by National to American of 339,200 shares of International Investors Life Insurance Company, Inc. ("International"). All

Interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Founders owns 36.1 percent of the outstanding common stock of American, a Kansas corporation which is licensed to sell life insurance policies in several states. By reason of this ownership interest, American is an affiliated person of Founders and is also presumed to be controlled by Founders. National, a Missouri corporation organized in 1967, is a holding company which invests in the stock of life insurance companies.

As of December 29, 1973, National owned approximately 107,200 shares of American, constituting 7.2 percent of the outstanding shares of American. National is thus an affiliated person of American and an affiliate of an affiliate of Founders. The proposed transaction is prohibited by section 17(a) because it involves a sale of property by National, an affiliate of an affiliate of Founders, a registered investment company, to American, a company controlled by an investment company. In connection with the promotion of National, a public offering of shares of National was made to stockholders of American, as a result of which approximately 60 percent of National shares are owned by persons who also own shares of American. Moreover, a minority of American's board of directors and all of American's operating officers are affiliated persons of National. International was organized under the laws of Texas in 1969 and sells life insurance policies in that state. National was one of the promoters of International and obtained its ownership interest, constituting 39.6 percent of the outstanding shares of International, at a cost of \$2.00 per share, when International was formed.

On October 5, 1973, National and American entered into a contract pursuant to which National would sell its entire interest of 339,200 shares of International to American at \$2.48 per share or an aggregate price of \$841,216. Such contract was entered into subsequent to resolutions adopted by the boards of directors of National and American, respectively, in August 1973, approving the proposed sale, and subsequent to approval of the proposed transaction by the Commissioner of Insurance of Texas and by the Kansas Insurance Department, on October 1 and October 5, 1973, respectively.

When International was formed, a public offering of its shares was made to shareholders of National, the majority of whom purchased such shares. A substantial number of such individuals also own stock in American as does National itself, and, for this reason, approximately 66 percent of International's shares are owned by persons who also own shares of American.

The purchase price of the International stock was arrived at by adding the capital and surplus of International to International's annualized premium in-

come, less its liabilities, other than liabilities shown on the 1972 annual statement of International, multiplied by National's percentage of ownership. Applicants contend that this formula is commonly used as a method for valuing insurance company stock for purposes of acquisitions of such shares. It is further submitted that market value (in August of 1973 the stock was quoted at $\frac{3}{4}$ bid, $1\frac{1}{2}$ asked) is not an accurate measure of the value of insurance companies such as International because it is a small, unseasoned company, shares of which are very thinly traded.

Applicants represent that, at the present time, International is virtually a dormant company which has ceased selling insurance policies and is declining in real value due to an increasing lapse rate and a continuing decrease in business-in-force. American, however, views the proposed transaction as an attractive business opportunity because it intends to assume the management of International and to build it into a stronger company.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, knowingly to sell to or to purchase from such registered investment company, or any company controlled by such investment company, any security or other property. Section 17(b) of the Act provides that the Commission, upon application, shall grant an exemption from such prohibition upon finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants represent that the terms of the proposed transaction are fair and reasonable and do not involve overreaching with respect to any party and that the proposed transaction is consistent with the policy of each Applicant and with the general purposes of the Act.

Notice is further given that any interested person may, not later than September 23, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule

0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 23, 1974 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 74-19743 Filed 8-23-74; 8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.
Suspension of Trading

AUGUST 19, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 20, 1974 through August 29, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 74-19748 Filed 8-23-74; 8:45 am]

[Release No. 18537; 70-5415]

MIDDLE SOUTH UTILITIES, INC. ET AL.
Proposed Post Effective Amendment Regarding Sale-Leaseback of Tow Boats and Barges

AUGUST 16, 1974.

In the Matter of: Middle South Utilities, Inc., 280 Park Avenue, New York, New York 10017; System Fuels, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Arkansas Power & Light Co., Ninth and Louisiana Streets, Little Rock, Arkansas 72203; Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Co., P.O. Box 1640, Jackson, Mississippi 39205; New Orleans Public Service Inc., P.O. Box 60340, New Orleans, Louisiana 70160.

Notice is hereby given that System Fuels, Inc. ("SFI"), a jointly owned non-utility subsidiary of Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company and New Orleans Public Service Inc., each an electric utility subsidiary company of Middle South Utilities, Inc. ("MSU"), a registered holding company, have jointly filed a fifth post-effective amendment to their previously amended application-declaration filed in this pro-

ceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

SFI states it has contracted with three builders ("Builders") for the construction of three tow boats and sixteen barges ("Vessels") capable of transporting approximately 331,000 barrels of fuel oil. As more fully described below, SFI proposes to sell and assign all of its right, title and interest in and to the Vessels and the contracts for their construction ("Construction Contracts") to, and concurrently, pursuant to an agreement ("Charter"), charter such Vessels back from, a trustee, Mellon Bank, N.A. ("Owner Trustee"), designated as such in an agreement ("Trust Agreement") among Birmingham Trust National Bank, United States Trust Company of New York ("Banks") and the Owner Trustee.

THE SALE AND RELATED FINANCINGS

The Vessels will be sold, and the contracts for their construction will be assigned, to the Owner Trustee for an amount equal to SFI's book cost thereof on the closing date. Said cost is presently estimated at \$3,800,000, plus SFI's related allowance for funds used during construction and other transactional costs. The Vessels are scheduled for delivery at various times from the third quarter of 1974 through the second quarter of 1975. Owner Trustee will make such further payments as may be due under the Construction Contracts; provided that if the aggregate cost to the Owner Trustee ("Owner Trustee's Cost"), including its transactional costs and expenses, exceeds \$13,051,500, the excess will be borne by SFI. The total purchase price will be financed to the extent of approximately 33 percent (maximum of \$4,306,500) with funds provided by the Banks as an investment in the beneficial ownership of the Vessels, and the balance of 67 percent (maximum of \$8,745,000) with funds borrowed by the Owner Trustee on a long-term basis from a group of ten insurance companies ("Lenders"). It is stated that neither the Banks, the Lenders nor Mellon Bank, N.A., is affiliated with SFI or any of its affiliated companies.

Owner Trustee will issue to the Lenders first preferred fleet mortgage bonds ("Bonds") under an Indenture of Trust between the Owner Trustee and an indenture trustee, Mellon Bank, N.A., who will act on behalf of the Lenders. The Bonds will be independent obligations of the Owner Trustee payable solely from the income and proceeds of the Owner Trustee's estate, consisting of, among other things, the Vessels, the Charter and payments thereunder, insurance proceeds, etc. The Bonds will be payable in forty-four semi-annual level installments

of principal and interest, commencing six months after the earlier of the delivery date of the last Vessel to the Owner Trustee or December 31, 1975. The Bonds will bear interest on the unpaid principal amount thereof at the rate of 10.5 percent per annum; will be non-callable except, in whole or in part, upon early termination of the Charter; and will be secured by a security interest in the Vessels, the Charter and all amounts payable under the Charter—all such security to be subject to SFI's rights under the Charter.

THE CHARTER

The Charter will be a net charter, under which SFI will be responsible for operation, maintenance, insurance, certain taxes and other expenses. The basic term of the Charter will be approximately twenty-five years, renewable at SFI's option for an initial period of five years and on a yearly basis thereafter. The Charter will be non-cancellable except in the event of: (a) failure to obtain favorable federal income tax rulings incident to the ownership and chartering of the Vessels, (b) the Owner Trustee or its parent or any Bank or Lender or its parent becoming subject to regulation under the Act by reason of the transactions herein contemplated, (c) failure of the Banks or Lenders to perform on their respective commitments, or (d) the occurrence of an event of default, as defined in the Charter; and, with respect to the particular Vessels affected, in the event of (e) any Vessel being rejected pursuant to the Construction Contracts, (f) the delivery of any Vessel not occurring on or before December 31, 1975, (g) the destruction, confiscation or condemnation of the Vessels beyond economical replacement or repair, (h) failure to provide and maintain insurance on any Vessel as required by the Charter, or (i) a determination by SFI, after expiration of ten years of the basic Charter term, that certain Vessels have become obsolete, or surplus to SFI's needs.

As interim charter hire during a period ending with the earlier of December 31, 1975 or delivery date of the last Vessel, SFI will pay installments not exceeding a maximum aggregate of approximately \$1,790,000. Thereafter, during the basic Charter period, SFI will pay fifty semi-annual installments in amounts equal to approximately 4.073 percent of that portion of Owner Trustee's Cost applicable to each Vessel ("Basic Hire"). SFI understands that said Basic Hire payments are equivalent to an annual simple interest rate of approximately 6.97 percent. The Basic Hire may be adjusted to reflect a failure to obtain requested federal income tax rulings relating to the Asset Guideline Period applicable to the Vessels.

SFI states that the charter hire payments are such that it will not acquire any equity in the Vessels; that, consequently, the Charter will be accounted for by SFI as a lease; and that payments under the Charter will be charged to

rental expense. Payments, if any, made by SFI representing excess above Owner Trustee's Cost (together with any payments in respect of adjustments to Owner Trustee's Cost in the event of adverse tax rulings as defined) would be accounted for by SFI as leasehold improvements and amortized over the basic term of the Charter.

MSU proposes to guarantee the performance by SFI of its obligations under the proposed transactions without recourse to SFI first being required.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses (excluding those of the Owner Trustee) incurred by SFI and MSU in connection with the proposed transaction are estimated at \$53,000, including legal fees of \$50,000 for SFI and \$2,500 for MSU.

Notice is further given that any interested person may, not later than September 9, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration, as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 74-19747 Filed 8-23-74; 8:45 am]

[Rel. No. 8467; 812-3671]

MIDHURST CORP.

Filing of Application for Exemption

August 21, 1974.

Notice is hereby given that Midhurst Corporation, ("Applicant"), 2411 Bank

of the Southwest Building, Houston, Texas 77002, a Delaware corporation, has filed an application, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized in 1956, and its only activity thereafter until late 1968 was to hold the stock of Midhurst Oil Corporation ("Midhurst Oil"), which was engaged in the exploration for and production of crude oil and natural gas. In 1968 Applicant acquired from S. Pearson & Son, Limited ("Pearson"), a British corporation, and subsidiaries of Pearson 96.1 percent of the outstanding stock of Whitehall Canadian Oils Limited ("Whitehall Oil"), a Canadian corporation, which conducted oil and gas activities in Canada. Both Midhurst Oil and Whitehall Oil were acquired from Applicant in 1969 by Ashland Oil, Inc. ("Ashland"), a Kentucky corporation, in exchange for preferred stock of Ashland which Applicant still owns and which has less than 2 percent of the total voting power of Ashland stock. Applicant also has wholly owned subsidiaries which hold non-producing North Sea concessions, lease coal and other mineral properties in Canada, and own various non-producing oil and gas properties in the United States. Applicant represents that it owns the following investment securities as defined in section 3(a) of the Act: (i) various certificates of deposit, (ii) the Ashland preferred stock, (iii) 35 percent of the outstanding stock of a privately held corporation which owns land in California which it is using and developing for farming purposes and (iv) two promissory notes of a publicly held corporation.

At all times since the formation of Applicant, Pearson or one or more wholly owned subsidiaries of Pearson have owned beneficially substantially all the shares of common stock of Applicant. Pearson and such subsidiaries now own 99.8 percent of Applicant's common stock. A director and officer of Pearson, who is a resident and citizen of the United Kingdom, owns the remaining approximately 0.2 percent. It has been agreed that Pearson will be given a right of first refusal to purchase this 0.2 percent interest at a price equal to the price at which a third party agreed to purchase it.

An indirect wholly owned subsidiary of Pearson has beneficially owned all the shares of preferred stock of Applicant since their authorization and issue in 1968. Neither Applicant nor Pearson has any intention whatsoever of distributing any common or preferred stock of Applicant to the public.

The application states that Pearson is a large diversified British corporation whose activities are principally in (i) the publishing of newspapers and books, (ii) the providing of banking and financial

services and (iii) the manufacture of tableware, sanitaryware flat glass and a wide range of engineering products. In addition to its ownership of Applicant, Pearson indirectly holds certain other investment assets.

Pearson estimates that it holds, directly and indirectly, investment securities which aggregate approximately \$106,000,000 or 32.1 percent of the fair market value of its assets at May 31, 1974, which aggregate approximately \$330,250,000. Pearson further estimates that the investment portfolio of Applicant accounts for only 10.4 percent of Pearson's total assets. Moreover, Pearson estimates that its income from all of its investment securities accounted for approximately 15 percent of its profits in 1973 before taxes, interest and head office expenses. Since 1969, Pearson's policy has been gradually to dispose of the bulk of its portfolio investments. Pearson's policy continues to be to use its resources in the expansion of its operating businesses rather than for the purpose of making further portfolio investments. Pearson now intends to utilize Applicant as a vehicle for acquiring a substantial but possibly not controlling interest in an American industrial or financial corporation although no definite plans have been made in this regard. In addition, Pearson is considering a merger of Whitehall Canada, Ltd., an indirect wholly owned subsidiary of Pearson with both operating activities and investment holdings, into Applicant.

The Application represents that since August 1969 the stock of Pearson has been publicly held, and it is listed on The London Stock Exchange. No public offering of the stock of Pearson has ever been made in the United States, and Pearson has no plans to make any such public offering.

Applicant is concerned that, unless exempted pursuant to section 6(c) of the Act, it may be deemed an investment company as defined in section 3(a)(3) of the Act which includes in that definition any issuer which is engaged in the business of owning and holding securities and owns investment securities having a value exceeding 40 percent of the value of its total assets (exclusive of government securities and cash items) on an unconsolidated basis.

Applicant requests an exemption from all provisions of the Act because it believes that it is not an investment company of the type intended to be regulated by the Act for the following reasons:

- (i) Substantially all the securities of Applicant are and will continue to be owned directly or indirectly by its parent, Pearson.
- (ii) Pearson, the parent of Applicant, is not an investment company within the meaning of the Act and could own Applicant's investment securities directly without becoming an investment company within the meaning of the Act.
- (iii) Section 3(b)(3) excepts from the definition of investment company contained in section 3(a)(3) of the Act any issuer all of the outstanding securities of which (other than short-term paper and directors' qualifying shares) are owned by a company which

is itself excepted from the section 3(a)(3) definition by sections 3(b)(1) or 3(b)(2) of the Act. Applicant would be exempt thereunder but for the facts that its parent, Pearson, is not an investment company under section 3(a)(3) and that Pearson owns 99.8 percent and not 100 percent of Applicant's common stock. Applicant represents that these are only technical failings and that the policies underlying the section 3(b)(3) exception are equally relevant to its situation.

(iv) Applicant has never held itself out, is not now holding itself out and has no present intention of holding itself out to the general public as an investment company, and Applicant does not and will not offer any of its securities to the general public.

(v) The shareholders of Pearson are believed to regard their investment primarily as an opportunity to participate in the various Pearson operating interests.

Accordingly, Applicant believes that its activities do not require regulation under the Act.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 16, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the foregoing matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein will be issued as of course following said date unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-19745 Filed 8-23-74; 8:45 am]

[Rel. No. 18535; 70-5536]

PENNSYLVANIA ELECTRIC CO. AND GENERAL PUBLIC UTILITIES CORP.

Filing of Application; Issuance of Mortgage Bond; Request for Exception From Competitive Bidding

AUGUST 16, 1974.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York, New York 10005, a registered holding company, and its electric utility subsidiary, Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 6(b), 7(a) and 12 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to enter into a loan agreement with the Small Business Administration of the United States (the "SBA") for the purpose of borrowing \$840,000 for repairs and replacements to its property and equipment damaged by Hurricane Agnes in June 1972. As security for the loan, which was authorized by the SBA on June 29, 1973 under the Disaster Relief Act of 1969, Penelec would issue to the SBA a first mortgage bond in the principal amount of \$837,500 (the "Bond"). The Bond would be issued under the Mortgage and Deed of Trust, dated as of January 1, 1942, between Penelec and Bankers Trust Company, Trustee, as heretofore supplemented and amended and to be further supplemented and amended by a Supplemental Indenture to be executed and delivered in connection therewith. The Bond would bear interest at the rate of 1 percent per annum on the unpaid principal balance, and Penelec would pay the principal and interest thereon in equal monthly installments of \$7,345, commencing one month following consummation of the loan with the last such installment being payable ten years from the date of the loan. The Bond would be prepayable at any time without premium or penalty. As further security for the SBA loan, GPU proposes to enter into an agreement with the SBA unconditionally guaranteeing Penelec's payment of principal and interest on the loan.

Penelec requests an exception from the competitive bidding requirements of Rule 50 pursuant to paragraph (a)(5) thereof with respect to the proposed borrowing from the SBA by Penelec in view of the 1 percent annual interest rate to be charged by the SBA.

The entire proceeds realized from the proposed borrowing will be used by Penelec to finance replacements and repairs to its property and equipment or to reimburse Penelec's treasury for expenditures therefrom for such purposes.

The fees and expenses to be paid by Penelec in connection with the trans-

action, including legal fees, will be supplied by amendment. It is stated that the Pennsylvania Public Utility Commission has jurisdiction over Penelec's proposed borrowing from the SBA and Penelec's issuance of the Bond and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 9, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-19752 Filed 8-23-74; 8:45 am]

[Rel. No. 18538; 70-5538]

UTAH POWER & LIGHT CO.

Proposed Issue and Sale of Common Stock and First Mortgage Bonds

AUGUST 19, 1974.

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple Street, P.O. Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes to issue and sell up to 1,000,000 shares of its authorized but unissued common stock (par value \$12.80 per share) ("stock"). The exact number of shares to be sold is to be determined by Utah in light of market conditions at the time of the sale.

Utah requests that the proposed sale of its stock be excepted from the competitive bidding requirements of Rule 50. As reasons for the requested exception, Utah states, among other things, that it agrees with the opinions expressed to this Commission by certain holding companies and underwriters with respect for a stated need for temporary suspension of Rule 50. (See notice dated July 19, 1974, Holding Company Act Release No. 18504, proposing such a suspension.)

In lieu of competitive bidding for its proposed stock sale, Utah proposes that it issue and sell the stock to underwriters pursuant to a negotiated agreement. Utah states it believes that under current market conditions a negotiated offering may be the only way it can sell the stock at an acceptable price.

Utah also proposes to issue and sell up to \$40,000,000 aggregate principal amount of its First Mortgage Bonds, -- percent Series to mature not more than 30 years from October 1, 1974 ("bonds"). Such bonds will be sold pursuant to the competitive bidding requirements of Rule 50 and the interest rate (which shall be a multiple of $\frac{1}{8}$ of 1 percent) and the price exclusive of accrued interest (which shall be not less than 99 percent nor more than 102 percent of the principal amount) will be determined by the competitive bidding. There may be a cash sinking fund designed to retire a portion of the bonds prior to maturity. The bonds will be issued under a Mortgage and Deed of Trust dated as of December 1, 1943, between Utah and Morgan Guaranty Trust Company of New York (formerly Guaranty Trust Company of New York) and R. Amudsen (successor Co-Trustee), as Trustees, as heretofore supplemented and amended and as to be further supplemented by a twenty-second Supplemental Indenture to be dated as of October 1, 1974. Utah shall notify prospective bidders no later than the second full business day prior to the time designated for the submission of bids of (i) the maturity date of the bonds, (ii) whether or not the bonds shall be redeemable during the first five years of their term in connection with a refunding of the bonds at a lesser effective interest cost to Utah and (iii) whether there will be a cash sinking fund.

Proceeds from the sale of the stock and bonds will be applied to repay short-term borrowings effected to finance Utah's construction program and to finance the construction program. Utah estimates \$56,000,000 of short-term debt will be outstanding on October 8, 1974. Utah states that its construction program for the years 1974-1976 will require approximately \$570,000,000.

The declaration states that the Wyoming Public Service Commission and the Idaho Public Utilities Commission have jurisdiction over the proposed

transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at \$137,000, including legal fees of \$30,000 and accountants' fees of \$8,500.

Notice is further given that any inter-tember 13, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 74-19744 Filed 8-23-74; 8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

AUGUST 19, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 20, 1974 through August 29, 1974.

By the Commission.

[SEAL] SHIRLEY E. HALLIS,
Assistant Secretary.

[FR Doc. 74-19749 Filed 8-23-74; 8:45 am]

VETERANS ADMINISTRATION

MEDICAL SCHOOL ASSISTANCE REVIEW COMMITTEE AND HEALTH MANPOWER TRAINING ASSISTANCE REVIEW COMMITTEE

Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Veterans Administration has determined that the establishment of the following two committees is in the public interest in connection with the performance of duties imposed on the Veterans Administration by law:

Medical School Assistance Review Committee
Health Manpower Training Assistance Review Committee

The objective of the Medical School Assistance Review Committee is to provide assistance to the Manpower Grants Service in formulating recommendations for the Chief Medical Director, Special Medical Advisory Group, and the Administrator of Veterans Affairs, regarding the support and relative priority of applications submitted under the Veterans Administration Medical School Assistance and Health Manpower Training Act of 1972 (Pub. L. 92-541) for the purpose of expanding and improving the training capacity of existing medical schools or assisting in the development of new state medical schools.

The Medical School Assistance Review Committee will review and examine each application with regard to (1) relationship to the objectives of the legislation, (2) intrinsic merit of the proposed activity, and (3) appropriateness of the role of the affiliated VA hospital. The committee will provide a judgment on the priority of each application recommended for approval to ensure the most effective distribution of available appropriations. The committee will review new, supplemental, and renewal applications. The committee will identify the need for site visits to the various applicants and may participate as members of site visit teams. It will also provide guidance to the Manpower Grants Service staff on medical school assistance policy matters and on identification of areas warranting special study or support.

The objective of the Health Manpower Training Assistance Review Committee is to provide assistance to the Manpower Grants Service in formulating recommendations for the Chief Medical Director, Special Medical Advisory Group and the Administrator of Veterans Affairs, regarding the support and relative priority of applications submitted under the Veterans Administration Medical School Assistance and Health Manpower Training Act of 1972 (Pub. L. 92-541) for assistance in training of professional and technical health manpower.

The Health Manpower Training Assistance Review Committee will review applications made under provisions of Pub. L. 92-541 for grants to assist professional and technical health manpower education and training programs as well as support to expand education and training capacity of VA medical facilities. The committee will examine each

application with regard to (1) relationships to the objectives of the legislation, (2) intrinsic merit, (3) the extent of VA involvement, and (4) potential benefits to the VA.

The Committee will (1) provide a judgment on the priority of each application recommended for approval to ensure the most effective distribution of available appropriations, (2) review new, supplemental, and renewal applications, and (3) identify the need for site visits to the various applicants. The committee may participate as members of the site teams. It will also provide guidance to the Manpower Grants Service staff on health manpower policy matters and on identification of areas warranting special study or support.

Signed at Washington, D.C. this 20th day of August 1974.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc. 74-19714 Filed 8-23-74; 8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

AUGUST 21, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 5, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-1936 (Sub-No. E7), filed May 30, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, between points in that part of Pennsylvania on and north of Interstate Highway 90, on the one hand, and, on the other, points in that part of West Virginia on, west, and south of a line beginning at the Pennsylvania-West

Virginia State line, thence along U.S. Highway 19 to Morgantown, W. Va., thence along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of points in Cuyahoga, Lake Lorain, and Medina Counties, Ohio.

No. MC-8535 (Sub-No. E1) (CORRECTION), filed May 21, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and contractors' equipment, materials, and supplies; machinery and machine parts; pipeline and plant construction materials and supplies; steel; and also heavy and bulky articles* generally requiring rigging, special equipment, or specialized handling (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, or articles requiring special vehicular equipment for the over-the-road movement), between points in New Jersey, on the one hand, and, on the other, points in North Carolina in and west of Warren, Nash, Wilson, Greene, Lenoir, Craven, and Carteret Counties. The purpose of this filing is to eliminate the gateways of Kenbridge, Victoria, and South Hill, Va. The purpose of this correction is to clarify the exceptions.

No. MC-8535 (Sub-No. E2) (CORRECTION), filed May 21, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and contractors' equipment, materials, and supplies; machinery and machine parts; pipeline and plant construction materials and supplies; steel; and also heavy and bulky articles* generally requiring rigging, special equipment, or specialized handling (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, or articles requiring special vehicular equipment for the over-the-road movement), between the District of Columbia, on the one hand, and, on the other, points in North Carolina (except points in Hertford, Gates, Camden, Currituck, Pasquotank, Perquimans, and Chowan Counties). The purpose of this filing is to eliminate the gateways of Kenbridge, Victoria, and South Hill, Va. The purpose of this correction is to clarify the exception.

No. MC-8535 (Sub-No. E3) (CORRECTION), filed May 21, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and contractors' equipment, materials, and supplies; machinery and machine parts; pipeline and plant construction materials and supplies; steel; and also heavy and bulky articles* generally requiring rigging, special equipment, or specialized handling (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, or articles requiring special vehicular equipment for the over-the-road movement), between points in Delaware, on the one hand, and, on the other, points in North Carolina, in and west of Warren, Wilson, Nash, Greene, Lenoir, Jones, and Onslow Counties. The purpose of this filing is to eliminate the gateways of Kenbridge, Victoria, and South Hill, Va. The purpose of this correction is to clarify the exceptions.

No. MC-8535 (Sub-No. E4) (CORRECTION), filed May 21, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and contractors' equipment, materials, and supplies; machinery and machine parts; pipeline and plant construction materials and supplies; steel; and also heavy and bulky articles* generally requiring rigging, special equipment, or specialized handling (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, or articles requiring special vehicular equipment for the over-the-road movement), (a) between points in West Virginia, on the one hand, and, on the other, points in North Carolina in and east of Hertford, Bertie, Martin, Edgecomb, Wilson, Wayne, Duplin, Pender, and Brunswick Counties; (b) between points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Doddridge, Harrison, Marion, Monongalia, Taylor, and Preston Counties, W. Va., on the one hand, and, on the other, points in North Carolina in an area bounded on the west by the western boundaries of Caswell, Alamance, Chatham, Moore, Hoke, and Scotland Counties, and on the east by the eastern boundaries of Northampton, Halifax, Nash, Johnston, Sampson, Bladen, and Columbus Counties; and (c) between points in Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va., on the one hand, and, on the other, points in North Carolina

in an area bounded on the west by the western boundaries of Allegheny, Wilkes, Alexander, Catawba, Lincoln, and Gaston Counties, and on the east, by the eastern boundaries of Northampton, Halifax, Nash, Johnston, Sampson, Bladen, and Columbus Counties. The purpose of this filing is to eliminate the gateways of Kenbridge, Victoria, and South Hill, Va. The purpose of this correction is to clarify the exceptions.

No. MC-8535 (Sub-No. E5) (CORRECTION), filed May 21, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building and contractors' equipment, materials, and supplies; machinery and machine parts; pipeline and plant construction materials and supplies; steel; and also heavy and bulky articles generally requiring rigging, special equipment, or specialized handling (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, or articles requiring special vehicular equipment for the over-the-road movement)*, (a) between points in New York, on the one hand, and, on the other, points in North Carolina in and west of Northampton, Bertie, Washington, Beaufort, Pamlico, Craven, and Carteret Counties; (b) between points in New York in and west of Clinton, Franklin, Saint Lawrence, Jefferson, Oswego, Onondaga, Cayuga, Tompkins, and Tioga Counties, on the one hand, and, on the other, points in North Carolina in and east of Hertford, Chowan, Tyrrell, and Hyde Counties. The purpose of this filing is to eliminate the gateways of Kenbridge, Victoria, and South Hill, Va. The purpose of this correction is to clarify the exceptions.

No. MC-8535 (Sub-No. E6) (CORRECTION), filed May 21, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building and contractors' equipment, materials, and supplies; machinery and machine parts; pipeline and plant construction materials and supplies; steel; and also heavy and bulky articles generally requiring rigging, special equipment, or specialized handling (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, or articles requiring special vehicular equipment for the over-the-road movement)*, (a) between points in Maryland, on the one hand, and, on the other, points in North

Carolina in an area bounded on the west by the western boundaries of Mecklenburg, Rowan, Davidson, Guilford, and Rockingham Counties and on the east by the eastern boundaries of Vance, Franklin, Johnston, Wayne, Duplin, Pender, New Hanover, and Brunswick Counties; (b) between points in Washington, Frederick, Carroll, Baltimore, Montgomery, Howard, Prince Georges, Anne Arundel, Calvert, Charles and St. Marys Counties, and Baltimore, Md., on the one hand, and, on the other, points in North Carolina in and west of Stokes, Forsyth, Davie, Iredell, Lincoln, and Gaston Counties; (c) between points in Washington, Frederick, Carroll, Baltimore, Montgomery, Howard, Prince Georges, Anne Arundel, Calvert, Charles, and St. Marys Counties, and Baltimore, Md., on the one hand, and, on the other, points in North Carolina in and east of Warren, Nash, Wilson, Greene, Greene, Pitt, Lenoir, Craven, Jones, Onslow, and Carteret Counties, N.C.; (d) between points in Garrett and Allegany Counties, Md., on the one hand, and, on the other, points in North Carolina in and east of Warren, Nash, Wilson, Greene, Lenoir, Jones, and Onslow Counties; and (e) between points in Harford, Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, Worcester, and Somerset Counties, Md., on the one hand, and, on the other, points in North Carolina in and west of Stokes, Forsyth, Davie, Iredell, Lincoln, and Gaston Counties. The purpose of this filing is to eliminate the gateways of Kenbridge, Victoria, and South Hill Va. The purpose of this correction is to clarify the exceptions.

No. MC-8535 (Sub-No. E7), (CORRECTION), filed May 22, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building and contractors' equipment, materials, and supplies; machinery and machine parts; pipeline and plant construction materials and supplies; steel; and also heavy and bulky articles generally requiring rigging, special equipment, or specialized handling (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, or articles requiring special vehicular equipment for the over-the-road movement)*, (a) between points in Ohio on the one hand, and, on the other, points in North Carolina in and east of Vance, Franklin, Nash, Wilson, Wayne, Duplin, Pender, and Brunswick Counties; and (b) between points in Ohio in and north of Defiance, Henry, Hancock, Wyandot, Marion, Delaware, Knox, Coshocton, Tuscarawas, Harrison, and Belmont Counties, on the one hand, and, on the other, points in North Carolina in an area bounded on the west by the western boundaries of Caswell, Alamance, Chatham, Moore, Hoke, and Scotland Coun-

ties, and, on the east by the eastern boundaries of the Counties of Granville, Wake, Johnston, Sampson, Bladen, and Columbus. The purpose of this filing is to eliminate the gateways of Kenbridge, Victoria, and South Hill, Va. The purpose of this correction is to clarify the exceptions.

No. MC-8535 (Sub-No. E8) (CORRECTION), filed May 22, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building and contractors' equipment, materials, and supplies; machinery and machine parts; pipeline and plant construction materials and supplies; steel; and also heavy and bulky articles generally requiring rigging, special equipment, or specialized handling (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, or articles requiring special vehicular equipment for the over-the-road movement)*, between points in Kentucky in and north of Jefferson, Shelby, Franklin, Woodford, Fayette, Clark, Montgomery, Menifee, Morgan, and Lawrence Counties, on the one hand, and, on the other, points in North Carolina in and east of Vance, Franklin, Nash, Wilson, Wayne, Duplin, Pender, and New Hanover Counties. The purpose of this filing is to eliminate the gateways of Kenbridge, Victoria, and South Hill, Va. The purpose of this correction is to clarify the exceptions.

No. MC-8535 (Sub-No. E9) (CORRECTION), filed May 22, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building and contractors' equipment, materials, and supplies; machinery and machine parts; pipeline and plant construction materials and supplies; steel; and also heavy and bulky articles generally requiring rigging, special equipment, or specialized handling (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, or articles requiring special vehicular equipment for the over-the-road movement)*, (a) between points in Pennsylvania on the one hand, and, on the other, points in North Carolina in an area bounded on the west by the western boundaries of Caswell, Alamance, Chatham, Montgomery, and Anson Counties, and on the east, by the eastern boundaries of Northampton, Halifax, Martin, Washington, Beaufort, Pamlico, Craven, and Carteret Counties; (b) between points in Pennsylvania in and west of Fulton, Huntingdon, Mifflin,

Centre, Clinton, Lycoming, Sullivan, and Bradford Counties, on the one hand, and, on the other, points in North Carolina in and east of Hertford, Bertie, Washington, Beaufort, Pamlico, Craven, and Carteret Counties; (c) between points in Pennsylvania in and east of Erie, Venango, Clarion, Armstrong, Indiana, Cambria, and Bedford Counties, on the one hand, and, on the other, points in North Carolina in and west of Rockingham, Guilford, Randolph, Stanly, and Union Counties; and (d) between points in Pennsylvania (except points in Fayette, Green, and Washington Counties), on the one hand, and, on the other, points in Mecklenburg, Union, Cabarrus, Stanly, Davidson, Randolph, and Guilford Counties, N.C. The purpose of this filing is to eliminate the gateways of Kenbridge, Victorio, and South Hill, Va. The purpose of this correction is to clarify the exceptions.

No. MC-9535 (Sub-No. E10), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* generally requiring rigging, special equipment, or specialized handling, between points in Alabama, on the one hand, and, on the other, points in Pennsylvania in and north of Beaver, Butler, Clarion, Forrest, and McKean Counties. The purpose of this filing is to eliminate the gateway of the facilities of National Southwire Aluminum Co., at or near Hawesville, Ky.

No. MC-8535 (Sub-No. E15), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard*, from the plant site of the Masonite Corporation, located at or near Spring Hope, N.C., to points in Maine, New Hampshire, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Evans Products Company at or near Doswell, Va.

No. MC-8535 (Sub-No. E16), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard*, from the plant site of the Masonite Corporation, located at or near Spring Hope, N.C., to points in Indiana in and north of Vigo, Clay, Putnam, Hendricks, Marion, Hancock, Henry, and Wayne Counties. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Evans Products Company at or near Doswell, Va.

No. MC-8535 (Sub-No. E17), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardwood, particle board, and accessories* used in the installation thereof from points in Maryland, in, south, and east of Carroll, Howard, and Montgomery Counties, Md., and from the District of Columbia to points in Michigan. The purpose of this filing is to eliminate the gateway of the sites of the warehouse and other facilities used by Evans Products Company at Baltimore, Md.

No. MC-8535 (Sub-No. E18), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hard board, particle board, and accessories* used in the installation thereof from points in York, Lancaster, Chester, Montgomery, Bucks, Philadelphia, and Delaware Counties, Pa., to points in Michigan. The purpose of this filing is to eliminate the gateway of the sites of the warehouse and other facilities used by Evans Products Company at Baltimore, Md.

No. MC-8535 (Sub-No. E19), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hard board, particle board, and accessories* used in the installation thereof from points in Delaware to points in Michigan. The purpose of this filing is to eliminate the gateway of the sites of the warehouse and other facilities used by Evans Products Company at Baltimore, Md.

No. MC-8535 (Sub-No. E20), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hard board, particle board, and accessories* used in the installation thereof from points in New Jersey (except points in Sussex and Warren Counties) to points in Michigan. The purpose of this filing is to eliminate the gateway of the sites of the warehouse and other facilities used by Evans Products Company at Baltimore, Md.

No. MC-8535 (Sub-No. E21), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hard board, particle board, and accessories* used in the installation thereof from points in New York in and south of Rockland and Putnam Counties to points in Michigan. The purpose of this filing is to eliminate the gateway of the sites of the warehouse and other facilities used by Evans Products Company at Baltimore, Md.

No. MC-8535 (Sub-No. E24), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, particle board, and accessories* used in the installation thereof (except commodities of unusual value, commodities in bulk, and commodities requiring special equipment) from points in North Carolina (except points in Gates, Camden, Currituck, Pasquotank, Perquimans, Chowan, Tyrrell, Dare, and Hyde Counties) to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Kenbridge, Victoria, and South Hill, Va., and the sites of the warehouse and other facilities used by Evans Products Company at Baltimore, Md.

No. MC-8535 (Sub-No. E25), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, particle board, and accessories* used in the installation thereof from points in Virginia to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of the sites of the warehouse and other facilities used by Evans Products Company at Baltimore, Md.

No. MC-8535 (Sub-No. E26), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, particle board, and accessories*, used in the installation thereof (except commodities of unusual value, commodities in bulk, and commodities requiring special equipment) from points in North Carolina in and east of Granville, Wake, Johnson, Sampson, Bladen, and Columbus Counties to points in Michigan. The purpose of this filing is to eliminate the gateways of Kenbridge, Victoria, and South Hill, Va., and the sites of the warehouse and other facilities used by Evans Products Company at Baltimore, Md.

No. MC-8535 (Sub-No. E27), filed June 3, 1974. Applicant: GEORGE

Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes, building materials, and glass* from Newport News, Va., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-8535 (Sub-No. E28), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes, building materials, and glass* from Norfolk, Va., to points in South Carolina in and west of York, Chester, Fairfield, Richland, Calhoun, Orangeburg, Dorchester, and Colleton Counties. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-8535 (Sub-No. E29), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes, building materials, and glass* from Virginia Beach, Va., to points in South Carolina in and west of York, Chester, Fairfield, Richland, Sumter, Clarendon, Berkeley, and Charleston Counties. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-15897 (Sub-No. E28), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 Nat'l Foundation Life Center, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Shawnee, Okla., and points in Oklahoma within 135 miles of Shawnee (except points in Adair, Cherokee, Muskogee, Wagoner, Tulsa, Rogers, Nowata, Washington, McIntosh, and Osage Counties), on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Lamar County, Tex.

No. MC-15897 (Sub-No. E32), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods*, as defined by the Commission, between Shawnee, Okla., and points in that part of Oklahoma on and south of U.S. Highway 40 within 135 miles of Shawnee, on the one hand, and, on the other, points

in that part of Kentucky on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of points in Lamar County, Tex.

No. MC-20582 (Sub-No. E16), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Maine and New Hampshire on the one hand, and, on the other, points in Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Somerville, Mass., and points in Massachusetts within 15 miles thereof and points in Ohio, Indiana, and Illinois.

No. MC-20582 (Sub-No. E17), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Vermont, on the one hand, and, on the other, points in Minnesota and Missouri. The purpose of this filing is to eliminate the gateways of Somerville, Mass., and points in Massachusetts within 15 miles thereof, and points in Ohio, Indiana, and Illinois.

No. MC-20582 (Sub-No. E18), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Colorado, Texas, and New Mexico, on the one hand, and, on the other, points in that part of Michigan south of Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC-20582 (Sub-No. E19), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Colorado and New Mexico on the one hand, and, on the other, points in New Jersey, New York, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Kansas and Flint, Mich., and points within 25 miles thereof.

No. MC-20582 (Sub-No. E35), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Kansas, on the one hand, and, on the other, points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC-20582 (Sub-No. E36), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Massachusetts and Rhode Island, on the one hand, and, on the other, points in Iowa, Kentucky, and Mississippi. The purpose of this filing is to eliminate the gateways of points in that part of Michigan on and south of a line beginning at Detroit and extending along U.S. Highway 10 to Ludington.

No. MC-34975 (Sub-No. E1), filed May 15, 1974. Applicant: TREDWAYS EXPRESS, INC., 512 Myrtle Ave., Boonton, N.J. 07005. Applicant's representative: Joseph A. Saldutti (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Philadelphia, Pa., on the one hand, and, on the other, points in Morris County, N.J. (except Netcong, Budd Lake, Schooleys Mtn., Middle Valley, Stephentown, Pleasant Grove, and Crestmoor); (2) between Allentown, Pa., on the one hand, and, on the other, Boonton, Butler, Cedar Knolls, Chatham, Convent Station, Florham Park, Gillette, Green Village, Hanover Neck, Lincoln Park, Madison, Millington, Montville, Morristown, New Vernon, Parsippany, Pequannock, Pine Brook, Pompton Plains, Riverdale, Sterling, Troy Hills, Towaco, and Whippany, N.J.; (3) between Bethlehem, Pa., on the one hand, and, on the other, Chatham, Convent Station, Florham Park, Gillette, Green Village, Hanover Neck, Madison, Millington, Morristown, New Vernon, Sterling, and Whippany, N.J.; and (4) between Philadelphia, Pa., on the one hand, and, on the other, points in Sussex County, N.J. The purpose of this filing is to eliminate the following gateways: (a) points in that part of Union County, N.J., on and north of New Jersey Highway 28, for (1), (2), and (3) above, and (b) Newark, N.J., for (4) above.

No. MC-40978 (Sub-No. E9), filed May 16, 1974. Applicant: CHAIR CITY

MOTOR EXPRESS COMPANY, 3321 Business 141 South Sheboygan, Wis. 53081. Applicant's representative: R. E. Becker (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, including but not limited to, household furnishings, office furniture, dental furniture, and equipment, and store fixtures, from Chicago, Ill., and points in Illinois within 100 miles of Chicago, Ill., to points in the Upper Peninsula of Michigan; (2) *new furniture*, uncrated, from points in the Chicago, Ill., Commercial Zone, to points in the Upper Peninsula of Michigan; (3) *new furniture*, including, but not limited to, household furnishings, office furniture, dental furniture, and equipment, and store fixtures, from Chicago, Ill., and points in Illinois within 100 miles of Chicago, to points in Minnesota; (4) *new furniture*, uncrated, from points in the Chicago, Ill., Commercial Zone, to points in Minnesota; (5) (a) *new box springs, new mattresses, new bed frames, new hide-a-beds, and new hospital beds*; and (b) *new furniture and furniture parts* from Munster, Ind., to points in Minnesota; (6) (a) *new box springs, new mattresses, new bed frames, new hide-a-beds, and new hospital beds*, and (b) *new furniture, and furniture parts*, from Munster, Ind., to points in the Upper Peninsula of Michigan; (7) (a) *new box springs, new mattresses, new bed frames, new hide-a-beds, and new hospital beds*, and (b) *new furniture, and furniture parts*, from Munster, Ind., to points in Wisconsin (except points in Wisconsin bounded by a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to its junction with U.S. Highway 14, thence along U.S. Highway 14 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan and excluding all points on said boundary lines and their respective Commercial Zones).

(8) *New institutional, new household, and new office fixtures and equipment*, uncrated, from points in that part of Wisconsin, bounded by a line beginning at Algoma, Wis., and extending along Wisconsin Highway 54 to its junction with Wisconsin Highway 57, thence along Wisconsin Highway 57 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to its junction with Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan, to points in Iowa; (9) *new furniture*, from points in Wisconsin bounded by a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to its junction with Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan, to points in Indiana; (10) *new furniture*,

from points in Wisconsin, bounded by a line beginning at Algoma, Wis., and extending along Wisconsin Highway 54 to its junction with Wisconsin Highway 57, thence along Wisconsin Highway 57 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to its junction with Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan, to points in Iowa; (11) *New institutional, new household, and new office fixtures and equipment*, uncrated, from points in Wisconsin bounded by a line beginning at Port Washington, Wis., and extending along Wisconsin Highway 33 to its junction with U.S. Highway 41, thence along U.S. Highway 41 to its junction with Wisconsin Highway 49, thence along Wisconsin Highway 49 to its junction with Wisconsin Highway 21, thence along Wisconsin Highway 21 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 13 to its junction with U.S. Highway 8, thence along U.S. Highway 8 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line, to points in Ohio, Kentucky, and the Lower Peninsula of Michigan.

(12) *New furniture and furniture parts*, from Burlington, Iowa, and the plant site and storage facilities of the Brammer Manufacturing Company at Davenport, Iowa, to points in the Upper Peninsula of Michigan; (13) *new furniture and furniture parts*, from Burlington, Iowa and the plant site and storage facilities of the Brammer Manufacturing Company at Davenport, Iowa, to points in Minnesota; (14) *new furniture*, from Sturgis, Mich., to points in Minnesota; (15) *new furniture*, from Sturgis, Mich., to points in the Upper Peninsula of Michigan; (16) *new furniture*, from Muscatine, Iowa, to points in Minnesota; (17) *new furniture*, from Muscatine, Iowa, to points in the Upper Peninsula of Michigan; (18) *new institutional, new household, and new office fixtures and equipment*, uncrated, from points in that part of Wisconsin bounded by a line beginning at Ashland, Wis., and extending along U.S. Highway 63 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Wisconsin Highway 55, thence along Wisconsin Highway 55 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with Wisconsin Highway 57, thence along Wisconsin Highway 57 to its junction with Wisconsin Highway 84, thence along Wisconsin Highway 84 to Lake Michigan, to points in Illinois; (19) *new furniture*, from points in Wisconsin bounded by a line beginning at Ashland, Wis., and extending along U.S. Highway 63 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with U.S. Highway 10, thence

along Wisconsin Highway 55, thence along Wisconsin Highway 55 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with Wisconsin Highway 57, thence along Wisconsin Highway 57 to its junction with Wisconsin Highway 84, thence along Wisconsin Highway 84 to Lake Michigan, to points in Illinois.

(20) *New furniture*, from points in Wisconsin bounded by a line beginning at Port Washington, Wis., and extending along Wisconsin Highway 33 to its junction with U.S. Highway 41, thence along U.S. Highway 41 to its junction with Wisconsin Highway 49, thence along Wisconsin Highway 49 to its junction with Wisconsin Highway 21, thence along Wisconsin Highway 21 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 13 to its junction with U.S. Highway 8, thence along U.S. Highway 8 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line, to points in Ohio, Kentucky, and the Lower Peninsula of Michigan; (21) *new institutional, new household, and new office fixtures and equipment*, uncrated, from points in Wisconsin bounded by a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to its junction with U.S. Highway 10 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to its junction with Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan, to points in Indiana; (22) *new furniture*, from points in Wisconsin bounded by a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to its junction with U.S. Highway 141, thence along U.S. Highway 141 to its junction with Wisconsin Highway 22, thence along Wisconsin Highway 22 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Wisconsin Highway 49, thence along Wisconsin Highway 49 to its junction with U.S. Highway 41, thence along U.S. Highway 41 to its junction with Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan, to points in Missouri.

(23) *New institutional, new household, and new office fixtures and equipment*, uncrated, from points in Wisconsin bounded by a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to its junction with U.S. Highway 141, thence along U.S. Highway 141 to its junction with Wisconsin Highway 22, thence along Wisconsin Highway 22 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Wisconsin Highway 49, thence along Wisconsin Highway 49 to its junction with U.S. Highway 41, thence along U.S. Highway 41 to its junction with Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan, to points in Missouri; (24) *new institutional, new household, and new office fixtures and equipment*, uncrated, from points in Wisconsin bounded by a line beginning at Cleveland,

Wis., and extending along Wisconsin Highway 149 to its junction with Wisconsin Highway 67, thence along Wisconsin Highway 67 to its junction with Wisconsin Highway 26, thence along Wisconsin Highway 26 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line, to points in the Upper Peninsula of Michigan; and (25) *new furniture*, from points in Wisconsin, bounded by a line beginning at Cleveland, Wis., and extending along Wisconsin Highway 149 to its junction with Wisconsin Highway 67, thence along Wisconsin Highway 67 to its junction with Wisconsin Highway 26, thence along Wisconsin Highway 26 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of: Sheboygan Falls, Wis., in proposals numbers 1, 2, 6, 8, 9, 10, 11, 12, 15, 17, 18, 19, 20, 21, 22, 23, 24, and 25 above; Janesville, Wis., in proposals numbers 3, 4, and 5 above; Kenosha, Wis., in proposal number 7, above; Prairie du Chien, Wis., in proposals numbers 13 and 16 above; and Beloit, Wis., in proposal number 14, above.

No. MC-86913 (Sub-No. E1), filed May 20, 1974. Applicant: EASTERN MOTOR LINES, INC., Box 649, Warrenton, N.C. 27589. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Penn. Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, (1) between points in Mississippi, on the one hand, and, on the other, points in Delaware, New Jersey, that part of Virginia east of a line beginning at the North Carolina-Virginia State line, thence along Interstate Highway 85 to junction Virginia Highway 46, thence along Virginia Highway 46 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 153, thence along Virginia Highway 153 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 609, thence along Virginia Highway 609 to junction U.S. Highway 522, thence along U.S. Highway 522 to the Virginia-West Virginia State line, those parts of West Virginia and Maryland east of U.S. Highway 522, that part of Pennsylvania east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 522 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, that part of New York east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 13, thence along New York Highway 13 to junction Interstate Highway 81, thence along Interstate Highway 81 to the International Boundary line between the United States and Canada; and (2) from points in Mississippi to points in Connecticut, Rhode Is-

land, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Murfreesboro, N.C.

No. MC-107295 (Sub-No. E194), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plant site and warehouse facilities of Fingerle Lumber Company at Ann Arbor, Mich., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Franklin, Ohio.

No. MC-107403 (Sub-No. E8) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 23, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John E. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry coal tar products*, in bulk, in tank vehicles, from points in Pennsylvania (within 150 miles of Monongahela, Pa.), to points in Tennessee west of U.S. Highway 127 and points in Mississippi. The purpose of this filing is to eliminate the gateway of Lanesville, Ohio, and Indianapolis, Ind. The purpose of this correction is to include Mississippi in the destination territory.

No. MC-107403 (Sub-No. E9) (CORRECTION), filed May 29, 1974, published in the FEDERAL REGISTER July 23, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-flammable liquids*, in bulk, from points in Connecticut, Massachusetts, and Rhode Island to points in Maryland within 100 miles of Philadelphia, Pa., and points in Delaware. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. The purpose of this correction is to include Delaware in the destination territory.

No. MC-107403 (Sub-No. E17) (CORRECTION), filed May 19, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-flammable liquid chemicals* (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and not including road oil, coal tar, and coal tar products, from points in Connecticut, Massachusetts, and Rhode Island to points in Alabama, Georgia, Mississippi, North Carolina, Tennessee, Virginia, West Virginia, and South Carolina. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. The purpose of this correction

is to include North Carolina as a destination State.

No. MC-107403 (Sub-No. E35) (CORRECTION), filed May 29, 1974, published in the FEDERAL REGISTER July 23, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from York County, Va., to points in New Jersey. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and Philadelphia, Pa. The purpose of this correction is to clarify the origin territory.

No. MC-107403 (Sub-No. E58) (CORRECTION), filed May 29, 1974, published in the FEDERAL REGISTER July 23, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Elkton and Baltimore, Md., and Claymont, Del., to points in Indiana and Kentucky. The purpose of this filing is to eliminate the gateways of Camden, N.J., Johnstown, Pa., and Zanesville, Ohio. The purpose of this correction is to include Claymont, Del., as an origin point.

No. MC-107515 (Sub-No. E36), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared bakery products*, in vehicles equipped with mechanical refrigeration, from Denison, Tex., to points in Indiana and Ohio. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-107515 (Sub-No. E37), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products*, from Amarillo, Tex., to the District of Columbia and points in Massachusetts, New Jersey, Delaware, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, that part of Maryland on and east of Interstate Highway 81, that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Interstate High-

way 81, thence along Interstate Highway 81 to the Virginia-West Virginia State line, that part of Pennsylvania on and east of Interstate Highway 81, and that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along Interstate Highway 81 to junction New York Highway 7, thence along New York Highway 7 to the junction with Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC-109397 (Sub-No. E2) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in Illinois, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill. The purpose of this correction is to eliminate the restriction previously published.

No. MC-109397 (Sub-No. E3) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in that part of Illinois on and west of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill. The purpose of this correction is to eliminate the restriction previously published.

No. MC-109397 (Sub-No. E4) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in Washington, on the one hand, and, on the other, points in Kentucky, Tennessee, Alabama, Georgia, South Carolina and Florida. The purpose

of this filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) points in DuPage County, Ill. The purpose of this correction is to eliminate the restriction previously published.

No. MC-109397 (Sub-No. E5) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 25, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in Washington, on the one hand, and, on the other points in the Lower Peninsula of Michigan and that part of Wisconsin on and east of a line beginning at the Michigan-Wisconsin State line, thence along U.S. Highway 41 to junction Wisconsin Highway 67, thence along Wisconsin Highway 67 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) points in DuPage County, Ill. The purpose of this correction is to eliminate the restriction previously published.

No. MC-109397 (Sub-No. E6) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 25, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in Anderson and Roane Counties, Tenn., on the one hand, and, on the other, points in Iowa, Minnesota, and Wisconsin. The purpose of the filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) points in DuPage County, Ill. The purpose of this correction is to eliminate the restriction previously published.

No. MC-109397 (Sub-No. E7) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 25, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in Anderson and Roane Counties, Tenn., on the one hand, and, on the other, points in that part of

Illinois on and north of Illinois Highway 17. The purpose of this filing is to eliminate the gateway of points in DuPage County, Ill. The purpose of this correction is to eliminate the restriction previously published.

No. MC-109397 (Sub-No. E8) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between the Cimarron facilities of Kerr-McGee Corporation at or near Crescent, Okla., on the one hand, and, on the other, points in Michigan, that part of Wisconsin on and east of U.S. Highway 51, and those parts of Indiana and Ohio on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) the Argonne National Laboratory of the United States Atomic Energy Commission, near Lemont, Ill. The purpose of this correction is to eliminate the restriction previously published.

No. MC-109397 (Sub-No. E9) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in Washington, Idaho, Oregon, Nevada, and that part of California on, west, and north of Interstate Highway 15, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill. The purpose of this correction is to eliminate the restriction previously published.

No. MC-109397 (Sub-No. E10) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Special, nuclear, radioactive, and by-product materials* (except commodities in bulk, in tank or hopper type vehicles), between the Nuclear Generating Stations located at or near Monticello, Minn., and Two Rivers, Wis., on the one hand, and, on the other, points in that part of South Carolina on

and east of South Carolina Highway 121. The purpose of this filing is to eliminate the gateways of (1) the facilities of The General Electric Co., located near Morris, Grundy County, Ill., and (2) Sheffield, Ill. The purpose of this correction is to eliminate the restriction previously published.

No. MC-109397 (Sub-No. E11), (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in that part of South Carolina on and east of South Carolina Highway 121, on the one hand, and, on the other, points in that part of Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill. The purpose of this correction is to eliminate the restriction previously published.

No. MC-110525 (Sub-No. E707), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Texas (except Fort Worth and Velasco), to points in that part of Michigan on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 24, to junction Michigan Highway 24, thence along Michigan Highway 138 thence along Michigan Highway 138 to Unionville, thence along U.S. Highway 25 to Bay Port, Mich. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E713), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Texas (except Fort Worth, Velasco, and points in Harris and Jefferson Counties), to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E714), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same

as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Texas (except Fort Worth, Velasco, and points in Harris and Jefferson Counties) to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Newark, N.J.

No. MC-110525 (Sub-No. E715), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Texas (except Fort Worth, Velasco, and points in Harris and Jefferson Counties), to points in Vermont. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E721), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in California. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E724), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia south of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 501 to North Boston, thence along U.S. Highway 15/360 to Richmond, thence along U.S. Highway 60 to Newport News, thence along U.S. Highway 17 to Virginia-North Carolina State line, to points in Delaware. The purpose of this filing is to eliminate the gateway of Hopewell, Va.

No. MC-110525 (Sub-No. E725), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Florida. The purpose of this filing is

to eliminate the gateway of Augusta, Ga.

No. MC-110525 (Sub-No. E726), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Idaho. The purpose of this filing is to eliminate the gateways of Charleston, W. Va., and Addyston, Ohio.

No. MC-11025 (Sub-No. E727), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and east of U.S. Highway 21 to points in Illinois. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E728), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and east of U.S. Highway 21 to points in Indiana. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E729), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and east of Virginia Highway 16 to points in Iowa. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E730), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and east of Virginia Highway 16 to points in Kansas. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E731), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and north of U.S. Highway 60 to points in that part of Kentucky on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E732), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in Virginia to points in Louisiana. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-110525 (Sub-No. E733), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Massachusetts. The purpose of this filing is to eliminate the gateways of points in that part of Virginia located in the District of Columbia commercial zone, Aston Township, Pa., and Union County, N.J.

No. MC-110525 (Sub-No. E734), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200 Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Michigan. The purpose of this filing is to eliminate the gateway of Natrium, W. Va.

No. MC-110525 (Sub-No. E735), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank ve-

hicles, from points in that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 220 to Roanoke, thence along Virginia Highway 311 to the Virginia-West Virginia State line, to points in Minnesota. The purpose of this filing is to eliminate the gateways of Morgantown, W. Va., and Bridgeville, Pa.

No. MC-110525 (Sub-No. E736), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of Virginia on and east of U.S. Highway 220 to points in Mississippi. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-110525 (Sub-No. E737), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and east of U.S. Highway 52 to points in Missouri. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC-110525 (Sub-No. E738), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Montana. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E739), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Nevada. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E740), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's

representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in that part of New Hampshire on and east of U.S. Highway 3 and on and south of U.S. Highway 302. The purpose of this filing is to eliminate the gateways of points in that part of Virginia located in the District of Columbia commercial zone, Aston Township, Pa., Newark, N.J., and Stoneham, Mass.

No. MC-110525 (Sub-No. E741), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in New Jersey. The purpose of this filing is to eliminate the gateways of points in that part of Virginia located in the District of Columbia commercial zone, and Aston Township, Pa.

No. MC-110525 (Sub-No. E742), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and east of Virginia Highway 16 to points in New Mexico. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E743), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and south of U.S. Highway 211 to points in that part of New York on and west of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC-110525 (Sub-No. E744), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk in tank vehicles, from points in that part of Virginia on and south of a line beginning at the Virginia-North Carolina State

line, thence along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean, to points in that part of New York on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Hopewell, Va.

No. MC-110525 (Sub-No. E-745), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in North Dakota. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E750), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Rhode Island. The purpose of this filing is to eliminate the gateways of points in that part of Virginia located in the District of Columbia commercial zone, Aston Township, Pa., and Newark, N.J.

No. MC-110525 (Sub-No. E751), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in South Dakota. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E753), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in Virginia to points in Texas. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-110525 (Sub-No. E754), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's

representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Utah. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E755), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Washington. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E757), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Wyoming. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E758), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in West Virginia to points in Alabama, restricted against the transportation of liquid sulphate of alumina to Coosa Pines, Ala. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC-110525 (Sub-No. E759), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in West Virginia to points in Arizona. The purpose of this filing is to eliminate the gateways of Charleston, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E760), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in West Virginia to points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Kanawha County, W. Va.

No. MC-110525 (Sub-No. E761), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in West Virginia to points in California. The purpose of this filing is to eliminate the gateways of Charleston, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E762), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in West Virginia to points in Colorado. The purpose of this filing is to eliminate the gateways of Charleston, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E764), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of West Virginia on and west of U.S. Highway 19 to the District of Columbia. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC-110525 (Sub-No. E765), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of West Virginia on and west of U.S. Highway 219 to points in Delaware. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC-110525 (Sub-No. E766), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such as naval stores as are chemicals, crude tall oil, sulphate, black liquor skimming, and liquid alum), in bulk, in tank vehicles, from points in West Virginia to points in Florida. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-110525 (Sub-No. E767), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in West Virginia to points in Idaho. The purpose of this filing is to eliminate the gateways of Charleston, W. Va., and Addyston, Ohio.

No. MC-113828 (Sub-No. E14), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* (except petroleum wax and petrochemicals), in bulk, in tank vehicles, from the site of the Tidewater Oil Company Refinery at or near Delaware City, Del., to points in Georgia. (2) *Petroleum products*, in bulk, in tank vehicles, from the site of the Tidewater Oil Company Refinery at or near Delaware City, Del., to Clarksburg and Fairmont, W. Va., and points in that part of West Virginia on and east of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 119 to Philippi, thence along U.S. Highway 250 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of the District of Columbia and Marcus Hook, Pa., in proposal number 1 above, and Baltimore, Md., in (2) above.

No. MC-113828 (Sub-No. E51), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Butler, Venango (except Emlenton, Pa.), and McKean (except Farmer's Valley, Pa.) Counties, Pa., to points in the District of Columbia and Delaware. The purpose of this filing is to eliminate the gateway of Baltimore, Md., and St. Marys Co., Md.

No. MC-113828 (Sub-No. E52), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Emlenton and Farmer's Valley, Pa., to points in (1) Maryland, and (2) Virginia, North Carolina, and Delaware. The purpose of this filing is to eliminate the gateway of the District of Columbia in (1) above, and St. Marys County and the District of Columbia in (2) above.

No. MC-113828 (Sub-No. E53), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete plasticizer compounds*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and Philadelphia, Pa.

No. MC-113828 (Sub-No. E54), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical coatings*, in bulk, from Linden and Jersey City, N.J., Marcus Hook and Chester, Pa., to Richmond, and Lynchburg, Va., Weirton, W. Va., and Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC-113828 (Sub-No. E55), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrups*, in bulk, in tank vehicles, from Norfolk, Va., to points in (1) New Jersey, Pennsylvania, West Virginia, and Ohio; (2) New York, Massachusetts, Rhode Island, and Connecticut; and (3) Michigan. The purpose of this filing is to eliminate the gateways of Baltimore, Md., in (1) above; Baltimore, Md., and Burlington County, N.J., in (2) above; and Baltimore, Md., and Canton, Ohio, in (3) above.

No. MC-113828 (Sub-No. E56), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the pipeline terminal of the Dixie Pipeline Company near Apex, N.C., to points in (1) the District of Columbia, Delaware, Maryland; (2) those in West Virginia in, south, and east of Pendleton, Tucker, Randolph, Upshur, Webster, Nicholas, Clay, Kanawha, Lincoln, and Mingo Counties; (3) those in Pennsylvania in Huntingdon, Blair, Cambria, Somerset, Bedford, Fulton, Franklin, Cumberland, and Adams Counties, and Philadelphia, Pa.; and (4) those in West Virginia. The purpose of this filing is to eliminate the gateways of Richmond, Va.,

and St. Marys County, Md., in (1) above; Roanoke, Va., in (2) above; Richmond, Va., St. Marys County, Md., and the District of Columbia in (3) above; and York County, Va., in (4) above.

No. MC-113828 (Sub-No. E57), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane and butane*, in bulk, in tank vehicles, from the terminal of Trans-Southern Pipeline at or near Sanford, N.C., to points in (1) the District of Columbia, (2) those in Maryland and Delaware, (3) those in Pennsylvania in Huntingdon, Blair, Cambria, Somerset, Bedford, Fulton, Franklin, Cumberland, and Adams Counties and Philadelphia, Pa., (4) those in West Virginia in, south, and east of Pendleton, Tucker, Randolph, Upshur, Webster, Nicholas, Clay, Kanawha, Lincoln, and Mingo Counties, and (5) those in West Virginia. The purpose of this filing is to eliminate the gateway of Norfolk, Va., in (1) above; Norfolk, Va., and St. Marys County, Md., in (2) above; Richmond, Va., St. Marys County, Md., and the District of Columbia in (3) above; Roanoke, Va., in (4) above; and York County, Va., in (5) above.

No. MC-113828 (Sub-No. E58), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, from Linden and Jersey City, N.J., and Marcus Hook and Chester, Pa., to points in the District of Columbia. (2) *Ferric chloride, concrete plasticizer compounds, and limestone slurry* from Linden and Jersey City, N.J., and Marcus Hook and Chester, Pa., to points in Virginia. (3) *Sodium silico aluminate slurry*, from Linden and Jersey City, N.J., and Marcus Hook and Chester, Pa., to Cincinnati, Ohio. (4) *Limestone slurry*, from Linden and Jersey City, N.J., and Marcus Hook and Chester, Pa., to points in West Virginia, Ohio, and Pennsylvania. (5) *Lauryl alcohol sulphates*, from Linden and Jersey City, N.J., and Marcus Hook and Chester, Pa., to points in Illinois, Minnesota, Indiana, Missouri, Michigan, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Baltimore, Md., in proposal numbers (1), (3), (4), and (5) above, and in proposal number (2) Baltimore, Md., and Washington, D.C.

No. MC-113828 (Sub-No. E61), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Wise County, Va., to points in Delaware, New Jersey, and New York. The purpose of this filing is to eliminate the gateway of Berkeley Springs, W. Va.

No. MC-115826 (Sub-No. E6), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, used as ingredients of animal food, in vehicles equipped with mechanical refrigeration, from points in North Dakota, South Dakota, Minnesota, Wisconsin, points in those portions of Iowa and Illinois on and north of Interstate Highway 80, and points in that portion of Nebraska on and north of a line beginning at the Nebraska-Iowa State line and extending along Interstate Highway 80 to North Platte, thence along U.S. Highway 30 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line to points in Maricopa County, Ariz., and points in that portion of Yuma County, Ariz., on and south of Interstate Highway 10. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC-115826 (Sub-No. E7), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, used as ingredients of animal food, in vehicles equipped with mechanical refrigeration, from Pueblo, Colo., to points in those portions of Nevada and California, on, west, and north of Interstate Highway 15. The purpose of this filing is to eliminate the gateway of Midvale, Utah (a point within the Salt Lake City Commercial Zone).

No. MC-115826 (Sub-No. E8), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruits, frozen berries, and frozen vegetables*, from Salinas, San Martin, San Jose, Santa Clara, Fresno, Sanger, and Patterson, Calif., to Amarillo, Tex.; and (2) *Frozen prepared vegetable foods*, from San Jose, Calif., to Amarillo, Tex. The purpose of this filing is to eliminate the gateway of Albuquerque, N. Mex.

No. MC-115826 (Sub-No. E13), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products, and frozen edible particles distributed by meat packing-houses*, as described in Sections A and C

of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except meat meal, bone meal, blood meal, feather meal, and commodities in bulk, in tank vehicles), from Billings, Mont., to Amarillo, Tex., and Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC-115826 (Sub-No. E14), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from Auburn, Mt. Vernon, Arlington, and Seattle, Wash., to Lubbock, Tex. The purpose of this filing is to eliminate the gateway of Albuquerque, N. Mex.

No. MC-115826 (Sub-No. E15), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, fresh, and cured meats, and frozen meat products*, from Denver, Colo., to points in that part of Oregon on and west of a line beginning at the California-Oregon State line and extending along U.S. Highway 97 to Bend, thence along U.S. Highway 20 to junction Interstate Highway 5, thence along Interstate Highway 5 to the Oregon-Washington State line, and points in that part of Washington on and west of a line beginning at the Washington-Oregon State line and extending along Interstate Highway 5 to Olympia, thence along U.S. Highway 101 to the U.S.-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Alturas, Calif.

No. MC-115826 (Sub-No. E16), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Oklahoma City, Okla., to points in that part of California on, north, and west of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to Barstow, thence along California Highway 58 to the eastern boundary of Kern County, thence south along the eastern boundaries of Kern and Los Angeles Counties to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC-115826 (Sub-No. E17), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles), from the plant site of Stockmen's Meatpacking Corporation, at or near Gooding, Idaho, to points in that part of California on, south, and west of a line beginning at California-Nevada State line and extending along Interstate Highway 15 to Barstow, thence along California Highway 58 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 1, thence along California Highway 1 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Ogden or Logan, Utah.

No. MC-115826 (Sub-No. E18), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, fresh, and cured meats, and frozen meat products*, from the plant-site of Minden Beef Company at or near Minden, Nebr., to points in that part of Washington on and west of Interstate Highway 5 and points in that part of Oregon on and west of a line beginning at the California-Oregon State line and extending along U.S. Highway 97 to junction U.S. Highway 97, thence along U.S. Highway 197 to the Oregon-Washington State line. The purpose of this filing is to eliminate the gateway of Alturas, Calif.

No. MC-115826 (Sub-No. E21), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products, and frozen articles distributed by meat packinghouse*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (restricted to commodities fit for human consumption), from the plant-site of Stockman's Meat Packing Corporation, at or near Gooding, Idaho, to Amarillo, Tex., and Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC-115826 (Sub-No. E22), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and meat products*, from Roberts, Idaho, and points within 5 miles of Roberts, to Okla-

homa City, Okla., and Amarillo, Tex. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC-115826 (Sub-No. E24), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables, and frozen fruit and vegetable juices*, in vehicles equipped with mechanical refrigeration, (1) from points in that part of California on, west, and north of a line beginning at the Pacific Ocean at Eureka and extending along U.S. Highway 101 to junction California Highway 299, thence along California Highway 299 to the California-Nevada State line to points in Alabama and Tennessee; and (2) from points in that part of California on and north of Interstate Highway 80 to points in that part of Tennessee on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Milton-Freewater, Ore.

No. MC-115826 (Sub-No. E25), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables, and frozen berries*, (1) from points in that part of California on, west, and north of a line beginning at the Pacific Ocean and extending along California Highway 17 to the southern boundary of Alameda County, thence along the southern boundary of Alameda County to the western boundary of San Joaquin County, thence along the western boundary of San Joaquin County to the northern boundary of San Joaquin County, thence along the northern boundary of San Joaquin County to the western boundary of Amador County, thence along the western boundary of Amador County to the northern boundary of Amador County, thence along the northern boundaries of Amador and Alpine Counties to the California-Nevada State line to points in that part of Oklahoma on, east, and north of a line beginning at the Texas-Oklahoma and extending along U.S. Highway 281 to junction Interstate Highway 40, thence along Interstate Highway 40 to Clinton, thence along U.S. Highway 183 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Kansas State line; and (2) from points in California to points in that part of Oklahoma on, north, and east of a line beginning at the Oklahoma-Texas State line and extending along Interstate Highway 35 to Oklahoma City, thence along Interstate Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-115826 (Sub-No. E26), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and edible meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison, Wis., to points in that part of Oregon on, west, and south of a line beginning at the California-Oregon State line and extending along U.S. Highway 97 to junction Oregon Highway 58, thence along Oregon Highway 58 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Sacramento, Calif.

No. MC-124070 (Sub-No. E1), filed June 4, 1974. Applicant: CHEMICAL HAULERS, INC., P.O. Box 2038, Hammond, Ind. 46323. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases and petroleum aromatic chemicals), in bulk, in tank vehicles, from Chicago, Ill., to points in the United States (except points in Harris County, Tex., Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Wisconsin, Ohio, North Carolina, South Carolina, Virginia, Alaska, Hawaii, and that part of Tennessee on and east of U.S. Highway 27). The purpose of this filing is to eliminate the gateway of the plant site of Amoco Chemicals Corporation located approximately six miles southwest of Juliet, Ill.

No. MC-124236 (Sub-No. E3), filed June 3, 1974. Applicant: CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plant site of Lone Star Cement Corporation at Maryneal, Tex., to points in Missouri. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-124236 (Sub-No. E4), filed June 3, 1974. Applicant: CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Douro, Tex., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Ada, Okla.

No. MC-124236 (Sub-No. E5), filed June 3, 1974. Applicant: CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's

representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Ada, Okla., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Tyler, Tex.

No. MC-124236 (Sub-No. E6), filed June 3, 1974. Applicant: CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New silica gel catalyst*, in bulk, in covered hopper vehicles, from West Lake Charles, La., to points in Kansas. The purpose of this filing is to eliminate the gateway of Hugo, Okla.

No. MC-124236 (Sub-No. E7), filed June 3, 1974. Applicant: CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Ada, Okla., to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-124236 (Sub-No. E8), filed June 3, 1974. Applicant: CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New silica gel catalyst*, in bulk, in covered hopper vehicles, from West Lake Charles, La., to points in Minnesota, California, and Washington. The purpose of this filing is to eliminate the gateway of Fort Worth, Tex.

No. MC-124236 (Sub-No. E9), filed June 3, 1974. Applicant: CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Lone Star Cement Corp., at Maryneal, Tex., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Ada, Okla.

No. MC-124236 (Sub-No. E10), filed June 3, 1974. Applicant: CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Douro, Tex., to points in Missouri. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-124236 (Sub-No. E11), filed June 3, 1974. Applicant: CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Cement*, from Amarillo, Tex., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Ada, Okla.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-19729 Filed 8-23-74; 8:45 am]

[Notice No. 121]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 20, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer; and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC-51146 (Sub-No. 391 TA), filed August 8, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery and sandwiches*, from the facilities of Bake-Rite Baking at Plover, Wis., to Chicago and Champaign, Ill., Cleveland, Ohio, Owensboro, Ky., Detroit, Mich., and New York, N.Y., for 180 days. SUPPORTING SHIPPER: Basic Commodities, Inc., 1001 Hoover Street, Plover, Wis. 54467 (A. G. Leo, General Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC-103798 (Sub-No. 8 TA), filed August 12, 1974. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, Wis. 54755. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Evaporated tank water* (in bulk, in tank vehicles), from Mason City, Columbus Junction and Waterloo, Iowa; Monmouth and Chicago, Ill.; St. Paul and Austin, Minn., to Mondovi, Wis., and (2) *Digest of meat* (in bulk, in tank vehicles), from Vernon, Calif., to Mondovi, Wis., for 150 days. SUPPORTING SHIPPERS: Rath Packing Co., Box 330, Waterloo, Iowa 50704, and Decel Corporation, 3001 East 44th Street, Vernon, Calif. 90058. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Courthouse, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 106674 (Sub-No. 139 TA), filed August 12, 1974. Applicant: SCHILLI MOTOR LINES, INC., Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shower bath stalls, plastic*, with or without frames or door, with or without receptors, set up, and *plastic bath tubs and accessories*, from the plantsite and facilities of Powers Flat Corporation at or near Monroe, Ohio, to points in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Missouri, Minnesota, Mississippi, Michigan, North Carolina, South Carolina, Oklahoma, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and points on and west of Interstate Highway 81 in New York, for 180 days. SUPPORTING SHIPPER: Powers Flat Corp., 1 Michael Ct., Plainview, Long Island, New York 11803. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 107515 (Sub-No. 939 TA), filed August 9, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Allan E. Serby, 3379 Peachtree Road NE, Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unexposed photographic paper*, in vehicles equipped with mechanical refrigeration, from Carlstadt, N.J., to points in North Carolina, Georgia, and Florida for 180 days. SUPPORTING SHIPPER: D.B.A. Nissho-Iwai American, Fuji Photo Film U.S.A., Inc., 341 Michelle Place, Carlstadt, N.J. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 107615 (Sub-No. 5 TA), filed August 9, 1974. Applicant: UNITED NEWS TRANSPORTATION COMPANY, 850 E. Luzerne Street, Philadelphia, Pa. 19124. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Spring-

field, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, between Moonachie, N.J. (Bergen County), and Franklin Center, Middleton Township, Delaware County, Pa., for 180 days. SUPPORTING SHIPPER: George M. Roth, Jr., Distribution Manager, The Franklin Library Division, The Franklin Mint, Franklin Center, Pa. 19063. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 112822 (Sub-No. 342 TA), filed August 8, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plant site and facilities of Adolph Coors Company located in Jefferson County, Colo., to points in Kansas (except Colby, Junction City, and Topeka) and Oklahoma, for 180 days. SUPPORTING SHIPPER: Adolph Coors Company, John R. Scanlan, Director of Transportation, Golden, Colo. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 116280 (Sub-No. 15 TA), filed August 9, 1974. Applicant: W. C. MCQUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, carbon paper, tickets, autographic register paper, and paper forms*, (1) from Fredericksburg, Va., to Johnstown, Pa., and (2) from Johnstown, Pa., to points in Pennsylvania, for 180 days. SUPPORTING SHIPPER: Moore Business Forms, Inc., 900 Buffalo Avenue, Niagara Falls, N.Y. 14302. SEND PROTESTS TO: James C. Donaldson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 117119 (Sub-No. 511 TA), filed August 7, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen potato products* (except in bulk), in vehicles equipped with mechanical refrigeration, from Plover, Wis., to points in Arizona, Arkansas, California, Colorado, Delaware, Maryland, Nevada, New Jersey, New Mexico, New York, Pennsylvania, Tennessee, and Utah, for 180 days. RESTRICTION: Restricted to traffic originating at the plantsite and storage facilities of American Potato Co. at Plover,

Wis., and destined to points in the states named. **SUPPORTING SHIPPER:** American Potato Company, Bank of America Center, Suite 4600, 555 California, San Francisco, Calif. 94104. **SEND PROTESTS TO:** District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117304 (Sub-No. 34 TA), filed August 12, 1974. Applicant: DON PAF-FILE, doing business as PAF-FILE TRUCK LINES, 2906 29th St. North, Lewiston, Idaho 83501. Applicant's representative: George R. LaBissioniere, Suite 101, Andover Building, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste, scrap, scrap metals, pulp, and rags* when going for recycling or reuse, from points in Montana and Idaho, to points in Oregon on and west of Highway 97 and to points in California and Washington, for 180 days. **SUPPORTING SHIPPERS:** Sutton's Dismantling & Salvage, 204 20th St. N., Lewiston, Idaho 83501, and Inland Metal Co., 528 E. Trent Avenue, Spokane, Wash., and Formark, Inc., 566 Mill Road, Lewiston, Idaho 83501. **SEND PROTESTS TO:** L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 117815 (Sub-No. 234 TA), filed August 8, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsites and facilities of American Potato Company at Plover, Wis., to points in Iowa, Nebraska, Missouri, Kansas, Illinois, Indiana, Michigan, and Minnesota, for 180 days. **SUPPORTING SHIPPER:** American Potato Company, Bank of America Center, San Francisco, Calif. 94104. **SEND PROTESTS TO:** Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119305 (Sub-No. 11 TA), filed August 12, 1974. Applicant: C. ROBERT NATTRESS AND DONALD NATTRESS, doing business as B & D TRUCKING SERVICE, 33 W. Garfield Avenue, Norwood, Pa. 19074. Applicant's representative: Ralph C. Busser, Jr., 448 School House Lane, Philadelphia, Pa. 19144. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery products*, from the plant site of Specialty Bakers, Inc., in Marysville, Pa., to points in the District of Columbia Commercial Zone, Greenbelt and Baltimore, Md., for 180 days. **SUPPORTING SHIPPER:** Specialty Bakers, Inc.,

Marysville, Pa. 17053. **SEND PROTESTS TO:** Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 119774 (Sub-No. 81 TA), filed August 12, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plant or warehouse sites of Ford Motor Company, to points in Arkansas, Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, and West Virginia, for 180 days. **SUPPORTING SHIPPER:** Ford Motor Company, Tulsa Glass Plant, P.O. Box 555, Tulsa, Okla. 74102. **SEND PROTESTS TO:** District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC-119777 (Sub-No. 305 TA), filed August 7, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and blocking*, from points at or near Greenville, Marquand, and Buckner, Mo., to points in Kansas, Iowa, Arkansas, Illinois, Indiana, Ohio, Tennessee, Kentucky, Michigan, and Pennsylvania, for 180 days. **SUPPORTING SHIPPERS:** Mr. Doyen J. Williams, Plant Manager, Marquand Wood Products, Inc., Marquand, Mo. 63655; Barks & Hollida Pallets & Lumber, Inc., Mr. Truman Barks, General Manager, Greenville, Mo. 63944; and Amsden Wood Products, Mr. Stanley Amsden, General Manager, Bunker, Mo. 63629. **SEND PROTESTS TO:** Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC-119777 (Sub-No. 306 TA), filed August 7, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and iron and steel articles*, from Little Rock, Ark., to Watertown, S. Dak., for 180 days. **SUPPORTING SHIPPER:** Mr. Paul L. Klinvex, Manager Traffic & Transportation, 2800 Grant Building, Pittsburgh, Pa. 15219. **SEND PROTESTS TO:** Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC-126555 (Sub-No. 31 TA), filed August 7, 1974. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Barry C. Burnette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, having prior movement by rail, from rail transfer site at or near Mowry, Idaho, to road construction sites located in Benewah County, Idaho, for 180 days. **SUPPORTING SHIPPER:** Materne Brothers Construction, P.O. Box O, Rosewood Station, Spokane, Wash. 99208, Don J. Materne, Secy-Treas. **SEND PROTESTS TO:** J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC-128642 (Sub-No. 13 TA), filed August 13, 1974. Applicant: SKYLINE TRANSPORT, INC., 1910 Russell Street, Baltimore, Md. 21230. Applicant's representative: Jack L. King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup*, in bulk, in tank vehicles, from the plant sites and facilities of CPC International, 1740 Frankford Avenue, Philadelphia, Pa.; Penn Central Flexi-Flow Terminal, 52 Oregon Avenue, Philadelphia, Pa.; and the Chesie System Thru Bulk Service Terminal, 38th and Jackson Sts., Philadelphia, Pa., to Atlantic City, Bridgeton, Camden, Cedarville, Hamden, Hammonton, Moorestown, Ocean City, Riverside, Swedesboro, Trenton, Vineland, and Wildwood, N.J., for 180 days. **SUPPORTING SHIPPERS:** Mr. R. V. Haugen, Asst. Transp. Mgr., CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632, and Mr. W. C. Rhodes, Jr., Vice President, Lamborn & Co., Inc., No. 8 Valley Forge Executive Mall, Wayne, Pa. 19087. **SEND PROTESTS TO:** William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC-129370 (Sub-No. 2 TA), filed August 12, 1974. Applicant: LYNN STATION, 204 North Cedar, Pine Bluff, Ark. 71601. Applicant's representative: Tom Harper, Jr., 13 North 7th Street, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cotton pickers*, from Ankeny, Iowa, to Pine Bluff, North Little Rock and Grady, Ark., for 180 days. **SUPPORTING SHIPPERS:** Jone Equipment Co., Grady, Ark. 71644; Pulaski Equipment Co., North Little Rock, Ark. 72114; and Farmer's Tractor & Equipment Co., Pine Bluff, Ark. 71601. **SEND PROTESTS TO:** District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136032 (Sub-No. 4 TA), filed August 6, 1974. Applicant: TEXAS CON-

TINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is manufactured or distributed by Warner-Lambert Company and its divisions (when moving in mechanically refrigerated equipment)*, (1) from Cavendish, Vt.; West Haven, Conn.; Long Island City, N.Y.; North Bergen, N.J.; South Brunswick, N.J.; Littitz and Philadelphia, Pa.; to Atlanta, Ga.; Portland, Ore.; Grand Prairie, Tex.; Anaheim, Calif.; Rockford, Ill.; Elk Grove Village and Chicago, Ill.; and (2) from Rockford, Ill., to Portland, Ore.; Anaheim, Calif.; Grand Prairie, Tex.; Atlanta, Ga.; and South Brunswick, N.J., for 180 days. **SUPPORTING SHIPPER:** Warner-Lambert Co., Morris Plains, N.J. 07590. **SEND PROTESTS TO:** H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 136903 (Sub-No. 9 TA), filed August 12, 1974. Applicant: **INTERMODAL TRANSPORT, INC.**, P.O. Box 19022, Louisville, Ky. 40219. Applicant's representative: W. F. Hart (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar and starch*, in bulk, from the site of Bulk Distribution Centers, Inc., in Fulton County, Ga., to points in Alabama, Georgia, South Carolina, and Tennessee, for 180 days. **SUPPORTING SHIPPER:** Roger V. Haugen, Asst. Transportation Manager, Motor Transportation, CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632. **SEND PROTESTS TO:** Wayne L. Merillatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 138328 (Sub-No. 15 TA), filed August 8, 1974. Applicant: **CLARENCE L. WERNER**, doing business as **WERNER ENTERPRISES**, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain bins, storage and drying equipment, knocked down, fans and heaters*, from the facilities of Chicago Eastern Corporation at Marengo, Ill., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. **SUPPORTING SHIPPER:** Chicago Eastern Corp., E. Kimball, Transportation Mgr., 200 N. Prospect Street, Marengo, Ill. 60152. **SEND PROTESTS TO:** District Supervisor Carroll Russell, Bureau of Opera-

tions, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 No. 14th Street, Omaha, Nebr. 68102.

No. MC-138438 (Sub-No. 9TA) (Correction), filed July 29, 1974, published in the **FEDERAL REGISTER** issue of August 9, 1974, as No. MC 117613 (Sub-No. 18TA), and republished as corrected this issue. Applicant: **D. M. BOWMAN, INC.**, Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740.

NOTE.—The purpose of this republication is to show the applicant correct MC number as No. MC 138438 (Sub-No. 9TA), in lieu of No. MC 117613 (Sub-No. 18TA), which was published in the **FEDERAL REGISTER** in error. The rest of the application will remain as previously published.

No. MC-139321 (Sub-No. 3 TA), filed August 12, 1974. Applicant: **COILE CONTRACT CARRIER, INC.**, Blue Ridge Industrial Park, Norcross, Ga. 30071. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road NE, Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead bearing scrap materials and equipment, materials, and supplies used in the processing thereof*, and (2) *brass ferrules and brass flanges, lead wool solder, and scrap materials*, from points in Alabama, Arkansas, Delaware, Connecticut, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to the plantsites and warehouse facilities utilized by Seitzinger's, Inc., to Atlanta, Ga.; (3) *metal alloys*, and (4) *fabricated lead products*, from the plantsite and warehouse facilities of Seitzinger's, Inc., in Atlanta, Ga., to points in the United States on and east of the westernmost boundaries of Minnesota, Iowa, Missouri, Arkansas, and Texas, restricted (1) against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment, and (2) restricted to services to be performed under a continuing contract with Seitzinger's, Inc., for 180 days. **SUPPORTING SHIPPER:** Seitzinger's, Inc., 900 Ashby Street, Atlanta, Ga. 30310. **SEND PROTESTS TO:** William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 139859 (Sub-No. 3TA), filed August 7, 1974. Applicant: **CAL-NATIONAL ENTERPRISES, INC.**, P.O. Box 321, Walnut, Calif. 91789. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products as defined by the Commission (except in bulk, in vehicles equipped with mechan-*

cal refrigeration), from the plantsite of American Food Processors, Inc., at Los Angeles, Calif., to Atlanta, Ga.; Richmond, Va.; Pittsburgh, Pa.; Swedesboro, N.J.; Cincinnati, Ohio; Knoxville, Tenn.; Chicago, Ill.; Dallas, Tex.; Boston, Mass.; New York, N.Y.; Philadelphia, Pa.; Cleveland, Ohio; Louisville, Ky.; Dayton, Ohio; Lakeside, Ohio; Charlotte, N.C.; Providence, R.I.; Buffalo, N.Y.; Pawtucket, R.I., including the commercial zones of the above named points, for 180 days. **SUPPORTING SHIPPER:** American Food Processors, Inc., 8 West Division Street, Suite 301, Chicago, Ill. 60610. **SEND PROTESTS TO:** Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140059 (Sub-No. 1 TA), filed August 9, 1974. Applicant: **NEVADA DISTRIBUTING CO., INC.**, P.O. Box 1238, Ely, Nev. 89301. Applicant's representative: John R. Anderson, Suite 1100 Boston Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and yogurt and other dairy products*, (1) *Beer*, from Golden, Colo., to Ely and Reno, Nev., and (2) *Yogurt and other dairy products*, from Salt Lake City, Utah, to Denver, Colo., for 180 days. **SUPPORTING SHIPPERS:** Beatrice Foods Corporation, doing business as Meadow Gold Dairy Products, 1030 South Main Street, P.O. Box 2490, Salt Lake City, Utah 84110; O. K. Distributing Co., 264 Keystone Avenue, Reno, Nev. 89502; and Winnenda Distributing Co., Inc., 630 Melarkey, Winnemucca, Nev. 89445. **SEND PROTESTS TO:** Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 140085 (Sub-No. 1 TA), filed August 7, 1974. Applicant: **HONEY COMB TRANSPORT, INC.**, 1433 11th Street, Gering, Nebr. 69341. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cottonseed meal and cake*, from points in Texas and Oklahoma, to points in Nebraska, Wyoming, Montana, North Dakota, South Dakota, and Colorado; (2) *Dehydrated alfalfa products*, from points in Nebraska, to points in Colorado, Wyoming, Montana, North Dakota, South Dakota, Oklahoma, and Texas; (3) *Soybean meal and pellets*, from Fremont and Lincoln, Nebr., and Sheldon, Iowa, to points in Oklahoma, Texas, Montana, and New Mexico; and (4) *Mineral blocks and bags*, from Hannibal, Mo., to points in Wyoming, Nebraska, South Dakota, Colorado, and Montana, for 180 days. **RESTRICTION:** Restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to a transportation service to be performed under a continuing contract or contracts with Gallup Cattle Co., Inc. and its di-

[Notice No. 144]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 16, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75246. By order of August 14, 1974, the Motor Carrier Board approved the transfer to H. Lynn Williams, doing business as Teton Stage Lines, Rexburg, Idaho, of Certificates Nos. MC-52602 and MC-52602 Sub 2 issued by the Commission August 28, 1953, and May 14, 1963, respectively, to Wells Grover, doing business as Teton Stage Lines, Rexburg, Idaho, authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle, between Idaho Falls, Idaho, and Victor, Idaho, with service to and from specified intermediate points; and between Logan, Utah, and Pocatello, Idaho, serving all intermediate points, respectively. Miss Mary Smith, Attorney at Law, 30 South 2nd West, Rexburg, Idaho 83440.

No. MC-FC-75288. By order of August 14, 1974, the Motor Carrier Board approved the transfer to Mercury Delivery Company, Inc., Chicago, Ill., of Certificate of Registration No. MC-32713 Sub 2 issued by the Commission April 6,

1965, to Ruben Konlon and Benjamin H. Walder, a partnership, doing business as Mercury Parcel Delivery Company, Chicago, Ill., evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Certificate of Public Convenience and Necessity No. 358MC dated May 18, 1954, issued by the Illinois Commerce Commission. Mr. Donald S. Mullins, Registered Practitioner, 4704 W. Irving Park Road, Chicago, Ill. 60641.

No. MC-FC-75303. By order entered August 12, 1974, the Motor Carrier Board approved the transfer to White Transfer & Storage Company, Inc. (Incorporated 1971), Huntsville, Ala., of the operating rights set forth in Certificate No. MC-8676, issued February 16, 1950, to White Transfer & Storage Company, Inc. (Incorporated 1949), Huntsville, Ala., authorizing the transportation of household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Huntsville, Ala., and points within 100 miles thereof, on the one hand, and, on the other, points in Alabama, Mississippi, Tennessee, Kentucky, Georgia, Florida, North Carolina, South Carolina, and Virginia. Elbert H. Parsons, Jr., P.O. Drawer 527, Huntsville, Ala. 35804, attorney for applicants.

No. MC-FC-75310. By order entered August 13, 1974, the Motor Carrier Board approved the transfer to M & M, Inc., Chapman, Kans., of the operating rights set forth in Certificates Nos. MC-757, MC-757 (Sub-No. 3), MC-757 (Sub-No. 4), and MC-757 (Sub-No. 5), issued by the Commission March 24, 1964, March 24, 1964, August 4, 1967, and August 12, 1968, respectively, to Jackie E. Dautel, doing business as Dautel Truck Line, Abilene, Kans., authorizing the transportation of general commodities and certain specified commodities, from, to, or between points in Kansas, Missouri, Nebraska, Colorado, Oklahoma, Iowa, South Dakota, and Texas. Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 4-19727 Filed 8-23-74; 8:45 am]

visions. **SUPPORTING SHIPPER:** Harry H. Jones, President, Gallup Cattle Co., Inc., Box 27, Gering, Nebr. 69341. **SEND PROTESTS TO:** Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

NOTE.—Applicant states that it does not intend to tack and/or interline with any other carrier.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-19730 Filed 8-23-74; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 21, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before September 10, 1974.

FSA No. 42867—*Joint Water-Rail Container Rates—United States Lines, Inc.* Filed by United States Lines, Inc. (No. 4), for itself and interested rail carriers. Rates on general commodities, between rail stations on Atlantic and Gulf Coasts of the United States, and ports in the Far East, as explained in the application.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-19728 Filed 8-23-74; 8:45 am]

federal register

MONDAY, AUGUST 26, 1974

WASHINGTON, D.C.

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PART II



ENVIRONMENTAL PROTECTION AGENCY



TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 429]

[FRL 253-3]

TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Effluent Limitations and Guidelines for Existing Sources; Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth below are proposed by the Environmental Protection Agency (EPA). On April 18, 1974, EPA promulgated a regulation adding Part 429 to Title 40 of the Code of Federal Regulations (39 FR 13942). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the timber products processing point source category. The regulation proposed below will amend 40 CFR Part 429 timber products processing point source category by adding thereto the wet storage subcategory (Subpart I), the log washing subcategory (Subpart J), the sawmills and planing mills subcategory (Subpart K), the finishing subcategory (Subpart L), the particleboard manufacturing subcategory (Subpart M), the insulation board manufacturing subcategory (Subpart N), and the insulation board manufacturing with steaming or hardboard production subcategory (Subpart O), pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act).

(a) *Legal authority*—(1) *Existing point sources*. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through

the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the wet storage subcategory (Subpart I), the log washing subcategory (Subpart J), the sawmills and planing mills subcategory (Subpart K), the finishing subcategory (Subpart L), the particleboard manufacturing subcategory (Subpart M), the insulation board manufacturing subcategory (Subpart N), and the insulation board manufacturing with steaming or hardboard production subcategory (Subpart O) of the timber products processing point source category.

(2) *New sources*. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b) (1) (B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b) (1) (A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the timber products processing category. The regulations proposed herein set forth the standards of performance applicable to new sources for wet storage subcategory (Subpart I), the log washing subcategory (Subpart J), the sawmills and planing mills subcategory (Subpart K), the finishing subcategory (Subpart L), the particleboard manufacturing subcategory (Subpart M), the insulation board manufacturing subcategory (Subpart N), and the insulation board manufacturing with steaming or hardboard production subcategory (Subpart O), of the timber products processing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 429.96, 429.106, 429.116, 429.126, 429.136, 429.146, and 429.156 proposed below provide pretreatment standards for new sources within the wet storage subcategory (Subpart I), the log washing subcategory (Subpart J), the sawmills and planing mills subcategory (Subpart K), the finishing subcategory (Subpart L), the particleboard manufacturing subcategory (Subpart M), the insulation board manufacturing subcategory (Subpart N), and the insulation board manufacturing with steaming or hardboard production subcategory

(Subpart O) of the timber products processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) *Summary and basis of proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources*—(1) *General methodology*. The effluent limitations, guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically

achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 429.96, 429.106, 429.116, 429.126, 429.136, 429.146, and 429.156 below amend § 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) *Summary of conclusions with respect to the wet storage subcategory (Subpart I), the log washing subcategory (Subpart J), the sawmills and planing mills subcategory (Subpart K), the finishing subcategory (Subpart L), the particleboard manufacturing subcategory (Subpart M), the insulation board manufacturing subcategory (Subpart N), and the insulation board manufacturing with steaming or hardboard production subcategory (Subpart O), of the timber products processing point source category.*—(i) *Categorization.* The production of timber products from wood and wood residues or by-products involves considerable variety in raw material storage, handling, and processing procedures. These variations can result in significant differences in waste water generated, although constituents present in the waste water are similar. The opportunities for waste water reuse and/or disposal also varies among the different timber products processing operations.

Waste water volumes generated by this portion of the timber products processing industry may be largest in the wet storage activities such as log or mill

ponds and wet decking operations, and the insulation board manufacturing segment of the industry. Other operations in this portion of the industry for which guidelines and standards are proposed below require either none or little process water. The effluent guidelines and standards (Subpart I through Subpart O) proposed below reflect the process differences and the differences in waste water generation.

(ii) *Waste characteristics.* Waste water pollutants generated by this segment of the industry are mainly organic in nature, primarily generated by the raw material, wood. Some inorganic waste materials are also generated, coming from the soil and dirt brought into the processing plant on the wood. Organic and inorganic materials may also be produced by the finishing and fabricating operations which may occur.

(iii) *Origin of waste water pollutants.* In a wet storage situation, i.e., ponding, storage in estuaries, bays of streams, or wet decking operations, pollutants are removed from the wood by the washing effect of the water. In addition, materials are removed from the wood as water passes over the wood. Storage of the wood in water, such as occurs in pond storage, results in the leaching of soluble materials from the wood. Sawmills and planing mills with their associated processing operations have very limited process water requirements and the volumes of waste water generated are not sufficient, with reasonable process management, to result in a process waste water stream. Finishing operations include gluing, application of surface coatings, and the application of sealers, stains, dyes, primers, and fillers, of either organic or inorganic nature.

The primary sources of waste water generation in the particleboard manufacturing industry are resin blender cleaning water, cleaning of additive storage tanks, caul cooling sprays, mat sprays, and fire control water.

Insulation board manufacture generates a large volume of process water. Water may be used in a number of the following operations: chip washing, white water, i.e., water used in processing and carrying the wood fibers through the insulation board manufacturing process, finishing operations, cooling, seal water, fire control and housekeeping.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Wet storage treatment and control involves regulation of the process waters that are allowed to be discharged to the wet storage water body. By achieving this control a no discharge of waste water pollutants can be realized during those periods when rainfall does not exceed

evaporation. During periods when rainfall exceeds evaporation, floating, visible solids control can be achieved by the installation of a floating solids detention device, such as a surface barrier or a submerged pipe, at the discharge point of the wet storage body, whether it is the log pond or the collection, settling pond for the wet decking recirculation system.

One hundred percent recycle of log washing water can be achieved by the installation of a sedimentation system and screening system. Systems of this type are currently in use in the industry sawmills and planing mills. The no discharge of process waste water pollutants limitation for sawmills and planing mills can and is being achieved through proper management of equipment and reasonable water usage. Fabricating and finishing operations can achieve the no discharge limitation by reasonable water use, waste water recycle, spray evaporation, incineration, or land spreading. Particleboard treatment and control technology includes judicious water use and disposal of the small volume of waste water to a septic tank system, spray irrigation, spray evaporation, spraying of waste water on incoming raw material, or spraying of waste water on hog fuel.

Insulation board treatment and control technology includes primary clarification as practiced by all plants. Other technologies practiced include activated sludge, aerated lagoons, spray irrigation, sedimentation, coagulation and water recycle.

Solid wastes that may result from timber products processing operations are mainly bark, wood slabs or trimmings, sawdust, sander dust, and sludges resulting from treatment of process waters. Efforts to obtain full utilization of the raw material have resulted in the development of manufacturing processes to utilize these potential waste materials. These solid wastes are usually non-toxic and biodegradable.

Best practicable control technology and best available technology, as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are non-hazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should

be permanently recorded in the appropriate office of legal jurisdiction in which the site is located.

(v) *Cost estimates for control of waste water pollutants.* Insulation board—Although insulation board mills use large quantities of process water, the effort required to meet the proposed effluent guidelines will not cause a severe dislocation in the industry. Of the eighteen (18) facilities in this segment, five either do or are planning to discharge to municipal systems, two plants plan to or have implemented a closed system, and two plants dispose of process water by spray irrigation. Of the nine remaining plants, two are already meeting best practicable control technology limitations. The remaining seven plants are estimated to require investments ranging between 400,000 and 3,500,000 dollars.

The costs associated with achieving the proposed limitations for the finishing subcategory range between 9,000 and 27,000 dollars for a small plant and between 12,000 and 48,000 for a large plant.

Log washing and Sawmills—the costs associated with meeting the proposed limitations for this segment are minimal. The water requirements for this process are such that the water loop can be operated as a closed system with no discharge of process waste water.

Wet storage—the proposed limitations for these operations will be applicable for plants in all subcategories of the industry that store raw material either in self-contained bodies of water or on the land, either paved or unpaved, and spray the logs with water continuously or intermittently. The necessary level of expenditure is expected to be 9,000 dollars per wet decking facility and less for pond storage operations.

Particleboard—Capital investment costs necessary to achieve the proposed effluent limitations are determined to be less than 0.5 percent of the cost of construction of a 220 metric ton per day plant.

(vi) *Energy requirements and non water quality environmental impacts.* Insulation board—the achievement of best practicable control technology limitations may require the application of technology that relies on the ultimate disposal of waste activated sludge in approved landfill situations. The energy requirements as discussed in the Development Document may be approximately 10 percent of the total energy requirements for the manufacture of insulation board. Log washing and Sawmills and planing mills—additional energy requirements and nonwater quality environmental impact as a result of the application of best practicable control technology for these subcategories is not significant; only reasonable water use and recycle of log wash water is required.

Wet storage—the achievement of the proposed limitations for this subcategory will require no additional energy requirements. Non-water quality environmental impact is related to sludge deposits from the bottom of the pond or the settling area in the wet deck recycle system.

Particleboard—the non-water quality

impact will result from the land disposal of small amounts of sludge from certain alternatives. The impact, however, will be insignificant because of the relatively small quantities of waste to be disposed.

(vii) *Economic impact analysis.* The economic analysis has focused on both internal and external costs. Internal costs are those costs to the facility associated with achieving the proposed limitations. External costs are related to the impact of the internal costs in terms of price increases, production curtailments, plant closures, and the resultant employment, community and regional impacts, international trade and industry growth.

Cost increases as a result of implementation of pollution control measures will be passed on to the consumer in the particleboard and insulation board segments of the industry.

Insulation board prices may increase 0.5 to 4.0 percent, and particleboard prices may increase 0.15 percent.

For the remaining segments the cost of compliance will generally not be passed on to the consumer through price increases because end product prices are highly competitive and the costs of abatement are unequally distributed. Although the cost of compliance will generally be absorbed by the producer, the cost is small and will not significantly affect profit margins or present a capital availability problem. Accordingly, only three plants in the industry may close as a result of required pollution control expenditures.

One insulation board mill may close, representing approximately 4 percent of the segment capacity and 200 employees, and two container grade veneer mills may close representing approximately 4 percent of segment capacity and 40 employees. Otherwise, no production curtailment or closures are expected. No significant community or regional effects, balance of trade effects or industry growth effects are expected.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Wet Storage, Sawmills, Particleboard, and Insulation Board segment of the Timber Products Processing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a

copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER; where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Wet Storage, Sawmills, Particleboard, and Insulation Board segment of the Timber Products Processing Point Source Category" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including:

(1) the pollutants presently discharged into the Nation's waterways by manufacturers of timber products and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly sections IV, V, VI, IX, X, and XI);

(2) the anticipated effects of the proposed regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particularly section VIII); and

(3) options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines for the Timber Products Processing Industry" contains an estimate of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation

on prices, production levels, employment, communities in which timber products processing plants are located, and international trade. In addition, the Development Document describes, in section VIII, the cost and energy consumption implications of the proposed regulations.

The two reports described above in the aggregate exceed 500 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the *FEDERAL REGISTER*. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, both documents are available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the timber products processing category. All participating agencies and groups have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) The American Society of Mechanical Engineers; (4) Hudson River Sloop Restoration, Inc.; (5) The Conservation Foundation; (6) Environmental Defense Fund, Inc.; (7) Natural Resources Defense Council; (8) The American Society of Civil Engineers; (9) Water Pollution Control Federation; (10) National Wildlife Federation; (11) American Institute of Chemical Engineers; (12) Southern Forest Products Association; (13) Western Wood Products Association; (14) Northeastern Lumber Manufacturers Association; (15) National Particleboard Association; (16) National Paint and Coatings Association; (17) National Home Builders Association; (18) Mobile Home Manufac-

turers Association; (19) Acoustical and Insulating Materials Association; (20) National Association of Building Manufacturers; (21) National Forest Products Association; (22) Hardwood Plywood Manufacturers Association; (23) American Plywood Association; (24) American Hardboard Association; (25) U.S. Department of Commerce; (26) U.S. Department of Interior; (27) U.S. Water Resources Council; (28) Office of Management and Budget; (29) U.S. Department of Health, Education, and Welfare; and (30) U.S. Department of Agriculture.

The following responded with comments: National Particleboard Association; United States Gypsum Company; Acoustical and Insulating Materials Association; Celotex Corporation; Southern Hardwood Lumber Manufacturers Association; American Institute of Chemical Engineers; National Forest Products Association; State Water Resources Control Board—California; Texas Water Quality Board; International Paper Company; U.S. Forest Service (Department of Agriculture); State of Michigan Department of Natural Resources; Hardwood Plywood Manufacturers Association; State of Florida, Department of Pollution Control; State of Washington, Department of Ecology; U.S. Department of Interior; Delaware River Basin Commission; Association of Environmental Laboratories; Arcata Redwood Company; American Plywood Association; Illinois Environmental Protection Agency; Potlatch Corporation; Fuller Forest Products Inc.; Virginia State Water Control Board; Arizona State Department of Health; Kentucky Department of Natural Resources and Environmental Protection; United States Water Resources Council; and the Colorado Department of Public Health.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) A common criticism was the approach taken in the development of suggested guidelines and standards as presented in the draft report for wet storage operations i.e., log pond, mill pond, and wet decking. Among the comments received were statements that the availability of land for the application of the suggested technology was not taken into consideration in the suggested guidelines; that the data base on which the wet storage guidelines are based was weak; that the relationship between biochemical oxygen demand (BOD₅) and chemical oxygen demand (COD) was questionable; that the COD reduction of 60 percent suggested by application of the technology in the draft report was optimistic; that the suggested wet storage treatment and control technology is not demonstrated in the industry; that the economic impact of the costs of control of wet storage facilities would be severe on hardwood timber processing plants; that the definitions of log ponds and mill ponds were inadequate; that

the statistical analysis methods as applied to wet storage presented in the draft document were questionable; that the complexity of the formulae that must be used to determine allowable discharges was considered unworkable; and that the effectiveness of settling or sedimentation ponds for treatment of effluents from wet storage operations was not necessary because of the relatively low suspended solids in the process waste water.

After additional review of the suggested guidelines and standards for log ponds, mill ponds, and wet decking operations, as presented in the draft report, the Agency has determined that some of the comments and criticisms are valid. While waste water discharge from wet storage operations may be a large volume of process water, discharge from that operation can be controlled to the degree that it will occur only during periods of rainfall and the concentration range of the pollutants in the discharged water is low. The volume of allowable discharge is based on the difference between rainfall and evaporation on the drainage area. When discharge occurs, debris, as defined in the proposed regulation, is controlled. The regulations proposed below do not attempt to control the discharge of extraneous process waters such as glue system cleaning waters into wet storage systems. It should be recognized that regulations promulgated earlier (40 CFR Part 429, Subpart C, 39 FR 13942) require no discharge of waste water pollutants to navigable waters for plywood manufacturing facilities that do not store or hold raw materials in wet storage conditions. Industry practice and currently available technology, as reflected in the promulgated plywood guidelines and standards, does not indicate that a waste water stream is necessary or must be disposed of into a wet storage water system. The presence of pollutants in a glue system or other processing operation is recognized. Adequate information is not currently available to propose limitations on other specific parameters for this subcategory. Additional information is specifically solicited with regard to the volume and debris limitations proposed below in Subpart I. Careful consideration should be given to the effect of wet storage effluents on receiving waters quality.

(2) Comments were received that the "model plants" concept used to establish pollutant generation estimates, waste water volume amounts, applicability of treatment and control technology, and the costs of treatment and control technology was not appropriate.

The "model plants" technique used in the draft development document should not be interpreted as stating that the model plant fits all manufacturing situations. Rather, the utility of the model plant concept is a method of indicating the waste water generation and sources, the concentration of the pollutants, the applicable treatment and control technologies and the costs of application of treatment and control technologies to

achieve the limitations suggested in the draft report.

(3) A number of comments were received that waste waters generated by sawmills and planing mills should be allowed to be discharged to a waste water treatment system servicing a timber products processing complex.

The approach used to develop the effluent limitations for the segments of the timber products processing industry covered by these regulations included a determination of the procedures available to reduce the generation of waste water. It was determined that for subparts I, J, K, L, and M, the 1977 standards, the 1983 standards, and the new source performance standards were no discharge of waste water pollutants to navigable water. This limitation should be interpreted to allow a plant to discharge waste water to an available treatment system which might be present in a multiproduct timber products processing operation; however, the allowable discharge in terms of weight of pollutant from the treatment system shall not be increased for water pollutants attributable to the waste waters from these subparts.

(4) A comment was received that the costs associated with previously issued guidelines and standards for veneer and plywood manufacturing facilities be taken into consideration in presenting the regulations for the wet storage subcategory of the industry.

This was accomplished by redirecting the economic impact study to consider the application of less land intensive, less expensive and more cost beneficial control technology to the hardwood veneer and plywood sector, as well as the softwood veneer and plywood sector and the other segments of the industry. The results of that economic impact analysis support these proposed regulations.

(5) A commenter suggested that the limitation of no discharge of waste water pollutants for hardwood timber products producing facilities would have an adverse economic impact.

The proposed effluent guidelines and standards take into consideration the availability and practice of technology, the costs of technology and other factors. In addition, an accompanying study determined the economic status of the various segments of the industry. Considerations and review of the information developed by these studies has resulted in the regulations proposed below. These regulations reflect effective control and lower costs than those presented in the draft report.

(6) A comment was received that the toxicity of glue wastes and heavy metals should be controlled by limitations.

As discussed in section VII of the draft document, alternative methods of disposal for glue wastes and heavy metals are presented, e.g., evaporation, recycle, landfill disposal, and burning in a hog fuel boiler. Included in the discussion of these alternatives is the control of toxic materials.

(7) A comment was received that indicated that the draft report provided no guidelines to the buildup of benthic volatile solids and the frequency of dredging mill ponds and log ponds.

The rate of buildup of benthic deposits a specific log storage pond is dependent on a number of variables, such as raw material throughput rate, hydraulic throughput rate, the handling procedures, the species of raw materials processed, and the history of the pond. Because of these factors and limited data availability it is not possible to propose regulations related to benthic deposits of pond bottoms.

(8) A commenter suggested that the discharge of extraneous water flows should be allowed to raw material storage and handling ponds.

The proposed regulations do not prohibit the discharge of extraneous water streams into ponds. However, in order to maintain the proposed volume discharge regulation, judicious control of the volumes discharged into the ponds is necessary.

(9) A comment was received that evaporation ponds may not be appropriate control technology for areas in East Texas because of a low net evaporation rate.

Treatment and control technology, as presented in the Development Document, includes information with regard to precipitation and evaporation rates and the spray evaporation systems necessary to achieve a no discharge limitation. The proposed regulation and the Development Document consider the relationship between evaporation and precipitation.

(10) A comment was received that the document should discuss in more detail the treatment and control of water used for saw guiding and cooling.

The Development Document points out that as thinner saw blades are developed and put into use, the volumes of water necessary to operate these blades efficiently may increase. The current state-of-the-art is that necessary volumes of water can be controlled within the range where saw guiding is accomplished and the process water absorbed by the wood or sawdust. At this time recycle or discharge is not necessary. Process water is absorbed by the wood or sawdust.

(11) A comment agreed with the discussion in the draft report that there is a retardation in the BOD test related to potential toxicity in timber products processing industry waste waters and suggested that further investigations be made relating to wood species and its impact on biological treatment.

The Agency agrees with the comment and does not propose limits on wet storage waste water discharges based on biological treatment.

(12) A comment was received that many facilities in this industry have steam boilers and that the guidelines should include limitations on boiler blowdown.

Effluent limitations related to steam

supply will be proposed by the Agency at a later date.

(13) Comments were received that stated that the data base on which the suggested limitations are based is weak.

The segment of the timber products processing industry to which this regulation is applicable includes in excess of 12,000 establishments. The information used to develop the proposed guidelines and standards was collected from a cross section of the segment. From this data base, better operating practices and procedures were determined. These practices and procedures were evaluated with reference to their applicability to other plants, and where appropriate used in the development of effluent guidelines and standards.

(14) A commenter indicated that he didn't believe it was possible for the insulation board manufacturing industry to achieve seventy percent recycle of process water by 1983, as was discussed in the draft report.

The proposed regulations based on the application of the best available technology economically achievable (BATEA) allow for the consideration of procedures and process modification where those procedures and modifications are in advanced stages of development. In addition, it allows for the transfer of technology from other industries where appropriate. Obviously, some additional development and refinement may be needed to ensure that these procedures and modifications are appropriate for a specific plant or location. The establishment of standards to be achieved by July 1, 1983 allows ample time for these developments and refinements.

(15) A comment was received that the suggested limitations for the insulation board subcategories should allow for the effect of temperature on biological treatment.

The development of the suggested limitation included analysis of data for northern climates as well as southern. As a result, the effects of temperature are taken into account and, therefore, no temperature allowance is necessary.

(16) A comment was received that questioned the selection of raw waste loads for the insulation board manufacturing subcategories as being determined after primary treatment.

All plants in this industry have primary treatment in place, and it is considered normal practice in the industry. Therefore, it is appropriate to consider the effluent from the primary treatment a typical waste load.

(17) A commenter questioned the choice of 3,000 gallons per ton of production of insulation board as an achievable hydraulic loading.

The Development Document shows a range of water consumption per ton of production as currently exists in the industry. The document also discusses practices and procedures that are practicable and reasonable. It is the judgment of the Agency that with reasonable

process water management the 3,000 gallons per ton water use figure is practical. Also, the proposed regulations do not limit volumes of discharge. The water use figure is used to demonstrate the application of technology.

(18) One commenter suggested that a certain plant that manufactures insulation board utilizing bagasse as the main raw material should not be included in the insulation board subcategory because of raw material differences and treatment and control technology differences. The Agency agrees and has excluded the facility that manufactures insulation board from bagasse from these regulations.

(19) A comment was received that the suggested limitation on total suspended solids discharge is higher than that specified by a State's regulation.

The suggested effluent guidelines and standards are based on the determination of best practicable control technology. In certain situations water quality requirements may require the application of higher levels of technology to prevent the violation of water quality standards.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Phillip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before September 25, 1974, will be considered Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice con-

cerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: August 9, 1974.

JOHN QUARLES,
Acting Administrator.

PART 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Subpart I—Wet Storage Subcategory

- | | |
|--------|---|
| Sec. | |
| 429.90 | Applicability; description of the wet storage subcategory. |
| 429.91 | Specialized definitions. |
| 429.92 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available. |
| 429.93 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable. |
| 429.94 | [Reserved]. |
| 429.95 | Standards of performance for new sources. |
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Subpart J—Log Washing Subcategory

- | | |
|---------|---|
| 429.100 | Applicability; description of the log washing subcategory. |
| 429.101 | Specialized definitions. |
| 429.102 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available. |
| 429.103 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable. |
| 429.104 | [Reserved]. |
| 429.105 | Standards of performance for new sources. |
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Subpart K—Sawmills and Planing Mills Subcategory

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|---------|---|
| 429.110 | Applicability; description of the sawmills and planing mills subcategory. |
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| 429.112 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available. |
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| 429.114 | [Reserved]. |
| 429.115 | Standards of performance for new sources. |
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Subpart L—Finishing Subcategory

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| 429.120 | Applicability; description of the finishing subcategory. |
| 429.121 | Specialized definitions. |
| 429.122 | Effluent limitations guidelines representing the degree of effluent |

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| Sec. | |
| | reduction attainable by the application of the best practicable control technology currently available. |
| 429.123 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable. |
| 429.124 | [Reserved]. |
| 429.125 | Standards of performance for new sources. |
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Subpart M—Particleboard Manufacturing Subcategory

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|---------|---|
| 429.130 | Applicability; description of the particleboard manufacturing subcategory. |
| 429.131 | Specialized definitions. |
| 429.132 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available. |
| 429.133 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable. |
| 429.134 | [Reserved]. |
| 429.135 | Standards of performance for new sources. |
| 429.136 | Pretreatment standards for new sources. |

Subpart N—Insulation Board Manufacturing Subcategory

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|---------|---|
| Sec. | |
| 429.140 | Applicability; description of the insulation board manufacturing subcategory. |
| 429.141 | Specialized definitions. |
| 429.142 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available. |
| 429.143 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable. |
| 429.144 | [Reserved]. |
| 429.145 | Standards of performance for new sources. |
| 429.146 | Pretreatment standards for new sources. |

Subpart O—Insulation Board Manufacturing With Steaming or Hardboard Production Subcategory

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|---------|---|
| 429.150 | Applicability; description of the insulation board manufacturing with steaming or hardboard production subcategory. |
| 429.151 | Specialized definitions. |
| 429.152 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available. |
| 429.153 | Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable. |

- Sec.
429.154 [Reserved]
429.155 Standards of performance for new sources;
429.156 Pretreatment standards for new sources.

Subpart I—Wet Storage Subcategory

§ 429.90 Applicability; description of the wet storage subcategory.

The provisions of this subpart are applicable to discharges resulting from the holding of unprocessed wood i.e., logs or roundwood with bark or after removal of bark in self-contained bodies of water (mill ponds or log ponds) or land storage where water is sprayed or deposited on the wood (wet decking).

§ 429.91 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) A "self-contained body of water" shall be a body of water that does not have a continuous natural influent of water, either surface water or subterranean, and that is used to store, sort, grade, or feed wood raw materials by an establishment in Major Group 24, according to the U.S. Department of Commerce, Standard Industrial Classification (SIC) Manual (1972).

(c) The source of monthly mean precipitation and annual lake evaporation information is the publication, Climatic Atlas of the United States, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June, 1968.

(d) "Debris" means a woody material such as bark, twigs, branches, heartwood or sapwood that will be retained by a 2.54 cm (1.0 in) diameter round opening that might be present in the discharge from a wet storage facility.

§ 429.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b) and (c) of this section, there shall be no discharge of process waste water pollutants to navigable waters.

(b) During the calendar months of May through October there may be discharged from a wet storage facility a volume of water equal to the difference between the mean precipitation for that month that falls within the drainage area of that facility and 10 percent of the annual lake evaporation. During the months November through April, there may be discharged from a wet storage facility a volume of water equal to the precipitation that falls within the drainage area of that facility.

(c) Any process waste water discharged pursuant to paragraph (b) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) cm		
Debris.....	2.54.....	2.54
pH.....	Within the range 5.5 to 9.0.	
(English units) in		
Debris.....	1.0.....	1.0
pH.....	Within the range 5.5 to 9.0.	

§ 429.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b) and (c) of this section, there shall be no discharge of process waste water pollutants to navigable waters.

(b) During the calendar months of May through October there may be discharged from a wet storage facility a volume of water equal to the difference between the mean precipitation for that month that falls within the drainage area of that facility and 10 percent of the annual lake evaporation. During the months November through April, there may be discharged from a wet storage facility a volume of water equal to the precipitation that falls within the drainage area of that facility.

(c) Any process waste water discharged pursuant to paragraph (b) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) cm		
Debris.....	2.54.....	2.54
pH.....	Within the range 5.5 to 9.0.	
(English units) in		
Debris.....	1.0.....	1.0
pH.....	Within the range 5.5 to 9.0.	

§ 429.94 [Reserved]

§ 429.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b) and (c) of this section, which are applicable only to wet decking operations, there shall be no discharge of process waste water pollutants to navigable waters.

(b) During the calendar months of May through October there may be discharged from a wet storage facility a volume of water equal to the difference between the mean precipitation for that month that falls within the drainage area of that facility and 10 percent of the annual lake evaporation. During the months November through April, there may be discharged from a wet storage facility a volume of water equal to the precipitation that falls within the drainage area of that facility.

(c) Any process waste water discharged pursuant to paragraph (b) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) cm		
Debris.....	2.54	2.54
pH.....	Within the range 5.5 to 9.0	
(English units) in		
Debris.....	1.0	1.0
pH.....	Within the range 5.5 to 9.0	

§ 429.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the wet storage subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 429.95; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart J—Log Washing Subcategory

§ 429.100 Applicability; description of the log washing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process of passing logs through an operation where water under pressure is applied to the log for the purpose of removing foreign material from the surface of the log before further processing.

§ 429.101 Specialized definitions.

For the purpose of this subpart: The general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 429.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established.

It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.104 [Reserved]

§ 429.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the log washing subcategory, which is a user of a publicly owned treatment

works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 429.105; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart K—Sawmills and Planing Mills Subcategory

§ 429.110 Applicability; description of the sawmills and planing mills subcategory.

The provisions of this subpart are applicable to discharges resulting from the timber products processing procedures that include all or part of the following operations: log washing, bark removal, other than hydraulic barking as defined in § 429.11, sawing, resawing, edging, trimming, planing and/or machining.

§ 429.111 Specialized definitions.

For the purpose of this subpart: The general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 429.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such funda-

mentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.114 [Reserved]

§ 429.115 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sawmills and planing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section § 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standards of performance for new sources specified in 40 CFR 429.115; provided that, if the publicly owned treatment works

which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart L—Finishing Subcategory

§ 429.120 Applicability; description of the finishing subcategory.

The provisions of this subpart are applicable to discharges resulting from the operations following edging and trimming. These operations include drying, planing, dipping, staining, end coating, moisture proofing, fabrication, and by-product utilization.

§ 429.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) "By-product utilization" shall be the manufacture of products from bark and/or wood waste materials, but does not include the manufacture of insulation board, particleboard, or hardboard.

§ 429.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the

NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.124 [Reserved]

§ 429.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the finishing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 429.125; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

Subpart M—Particleboard Manufacturing Subcategory

§ 429.130 Applicability; description of the particleboard manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of particleboard.

§ 429.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) "Particleboard" means board products that are composed of distinct particles of wood or other lignocellulosic materials not reduced to fibers which are bonded together with an organic or inorganic binder.

(c) Specifically excluded from the term "process waste water" for this subpart are cooling water, material storage yard runoff (either raw material or processed wood storage), and fire control water.

§ 429.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.134 [Reserved]

§ 429.135 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.136 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the particleboard manufacturing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of

this section, § 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 429.135; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart N—Insulation Board Manufacturing Subcategory

§ 429.140 Applicability; description of the insulation board manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of insulation board where the manufacturing procedure does not involve subjecting the wood material to a pressure created by steam. Specifically excluded from this subpart is the manufacture of insulation board from the primary raw material bagasse.

§ 429.141 Specialized definitions.

For the purpose of this subpart:

The general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 429.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process

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applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
BOD ₅	3.75.....	1.25
TSS.....	9.40.....	3.13
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/2,000 lb of product		
BOD ₅	7.5.....	2.50
TSS.....	18.8.....	6.25
pH.....	Within the range 6.0 to 9.0.	

§ 429.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
BOD ₅	1.13.....	0.38
TSS.....	2.85.....	0.85
pH.....	Within the range 6.0 to 9.0	
(English units) lb/2000 lb of product		
BOD ₅	2.25.....	0.75
TSS.....	5.70.....	1.90
pH.....	Within the range 6.0 to 9.0.	

§ 429.144 [Reserved]

§ 429.145 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
BOD ₅	3.75.....	1.25
TSS.....	9.40.....	3.13
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/2000 lb of product		
BOD ₅	7.50.....	2.50
TSS.....	18.80.....	6.25
pH.....	Within the range 6.0 to 9.0.	

§ 429.146 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the insulation board manufacturing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 429.145; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart O—Insulation Board Manufacturing With Steaming or Hardboard Production Subcategory

§ 429.150 Applicability; description of the insulation board manufacturing with steaming or hardboard production subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of insulation board at production facilities that either steam condition the raw material before refining or produce hardboard at the same facility. Specifically excluded from this subpart is the manufacture of insulation board from the primary raw material bagasse.

§ 429.151 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Insulation board shall be defined as a sheet material constructed from ligno-cellulosic materials reduced to a fibrous state and having a density of less than 0.496 grams per cubic centimeter (31 pounds per cubic foot).

(c) Hardboard shall be defined as sheet material constructed from ligno-cellulosic materials reduced to a fibrous state and having a density of greater than 0.496 grams per cubic centimeter (31 pounds per cubic foot).

§ 429.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry sub-

categorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
BOD ₅	11.3.....	3.75
TSS.....	9.40.....	3.13
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/2000 lb of product		
BOD ₅	22.60.....	7.50
TSS.....	18.80.....	6.25
pH.....	Within the range 6.0 to 9.0.....	

§ 429.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
BOD ₅	3.38.....	1.13
TSS.....	2.35.....	0.85
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/2000 lb of product		
BOD ₅	6.75.....	2.35
TSS.....	5.70.....	1.90
pH.....	Within the range 6.0 to 9.0.....	

§ 429.154 [Reserved]

§ 429.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
BOD ₅	11.30.....	3.75
TSS.....	9.40.....	3.13
pH.....	Within the range 6.0 to 9.0.....	
(English units) lb/2000 lb of product		
BOD ₅	22.60.....	7.50
TSS.....	18.80.....	6.25
pH.....	Within the range 6.0 to 9.0.....	

§ 429.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the insulation board manufacturing with steaming or hardboard production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in part 128 of this chapter, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 429.155; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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PART III



DEPARTMENT OF LABOR

Office of the Secretary



1974 Summer Program for
Disadvantaged Youth

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—1974 Summer Program for Economically Disadvantaged Youth

On Monday, May 13, 1974, the Department of Labor published regulations in the *FEDERAL REGISTER* (39 FR 17182) implementing the 1974 Summer Program for Economically Disadvantaged Youth funded under Title III, section 304(a) of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-392, 87 Stat. 839). At that time, the Department invited interested persons to submit comments on the regulations, and stated that the comments received by June 30, 1974, would be evaluated to determine whether the regulations should, in any respect, be amended.

Numerous comments were received by the Department pursuant to this invitation. The Department studied these comments carefully, and established an evaluation procedure to allow consideration of each comment on its own merits and in relation to other comments received on the same or similar subjects.

This evaluation procedure has resulted in a decision to amend the regulations in certain respects. These amendments are described below and are incorporated in the revised regulations set forth below.

Also incorporated in the revised regulations are the Department's regulations for the recreation and transportation support programs published today as § 97.25 of this Subpart A, Part 97. The new § 97.25 has been written to carry out the provisions of Title I, Chapter 7 of the Second Supplemental Appropriations Act of 1974 (Pub. L. 93-305, 88 Stat. 195) which authorizes a recreation and transportation support program for the summer of 1974.

In § 97.6 *Application for grants and standards for reviewing grant applications*, a sentence has been added which limits the applicability of the review standards listed in § 95.17 of this title to the 1974 summer program for economically disadvantaged youth. The regulations published on May 13, 1974, provided that all the review standards of § 95.17 would apply to the summer program. In these amended regulations only paragraphs (b)(1) through (b)(9) of § 95.17 apply. The requirements of § 95.17 (b)(10) and (b)(11) provide that ARDM's are to review grant applications to determine whether an opportunity to comment on the application has been afforded appropriate parties. Since comment procedures are not required for the 1974 summer program, paragraphs (10) and (11) of § 95.17(b) do not apply to the 1974 summer program and have, therefore, been excepted from the § 97.6 requirements.

In § 97.7 *Application approval and disapproval*, language is added to incor-

porate the provisions for disapproving grant applications described in § 95.19 of this title. This provides a clarification to the provisions of approving and disapproving applications.

In § 97.9 *Content and description of grant application*, a new paragraph (d) has been added indicating that the comments and publication procedures of § 95.15 of this title do not apply to the submission of grant applications for the 1974 summer programs for economically disadvantaged youth. This does not reflect a change in the policy but provides explicit regulations exempting summer applicants from comments and publication procedures. This exemption had been implied previously by not referencing the requirements of § 95.15.

In § 97.10 *Modification of the grant agreement; modification of the program plan*, language has been added to paragraph (a) to conform to the exemption from comment and publication procedures provided in the new paragraph (d) of § 97.9.

In § 97.12 *Eligibility for participation*, the age eligibility requirements have been changed to limit participation to youth 14 through 21 years of age. This change reflects the Department's intent to administer the program in the same manner that the EOA and EEA summer program in 1973 was administered; and

A new paragraph (c) has been added to provide for special consideration of disabled veterans and veterans of the Vietnam era for participation in the 1974 summer program to emphasize the Department's special concern for returning Vietnam-era veterans.

In § 97.13 *Types of manpower services available in the summer program for economically disadvantaged youth*, a new paragraph (d) has been added which prohibits the use of funds allocated under § 97.3 to finance recreation and transportation support programs described in the new § 97.25. This regulation reflects the provisions of the act which provide that funds made available under the act shall be to meet the needs for jobs for youth and not for recreational activities.

In § 97.14 *Participant benefits*, new language has been added to paragraph (e) of § 97.14 to clarify the types of fringe benefits which may be provided to work experience participants. This amendment does not reflect a change in policy but is for clarification only, since fringe benefits for work experience participants are allowable costs (see § 98.13).

In § 97.21 *Reporting requirements*, paragraph (c)(3) has been amended to clarify the reporting requirements of statistical data on the Summary of Client Characteristics Report. Sponsors shall provide a further breakout of the age characteristics information of line 04 of the Report on the back of the report form by the following age groups:

- (1) 14-15 years;
- (2) 16-17 years; and
- (3) 18.

This change results from a modification of the Report form.

A new § 97.25 *Recreation and transportation support programs*, is established to provide regulations for a recreation and transportation support program for the summer of 1974, pursuant to title 1, chapter 7 of the Second Supplemental Appropriations Act of 1974 (Pub. L. 93-305).

The revised regulations and the new § 97.25, which shall be effective on August 26, 1974, read as follows:

Subpart A—1974 Summer Program for Economically Disadvantaged Youth

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AUTHORITY: Pub. L. 93-203, Sec. 602(a), 87 Stat. 839, unless otherwise noted.

Subpart A—1974 Summer Program for Economically Disadvantaged Youth

§ 97.1 Scope and purpose.

(a) This Subpart A contains the policies, rules, and regulations of the Department in implementing and administering the 1974 summer programs for economically disadvantaged youth funded under Title III, section 304(a), of the Comprehensive Employment and Training Act (hereinafter referred to as the Act).

(b) Programs funded under this Subpart A shall be designed by summer sponsors, defined in § 97.4, to provide summer employment and other activities and services authorized under Title I of the Act.

(c) Subpart A should be read in conjunction with Parts 94 through 98 of this title. These parts, in total, comprise the regulations promulgated by the Secretary pursuant to the authority in the Act.

The provisions of Part 95, however, apply to this Subpart A only as indicated in specific sections of these regulations. The administrative provisions of Part 98 shall apply to this Subpart A.

§ 97.2 Definitions.

Definitions for abbreviations and major terms used in this Subpart A may be found in Part 94 of this title. In addition:

- (a) The term "EEA" means the Emergency Employment Act of 1971, as amended; and
- (b) The term "EOA" means the Economic Opportunity Act of 1964, as amended.

§ 97.3 Allocation of funds.

(a) The funds available under this Subpart A shall be allocated to summer sponsors, defined in § 97.4, based upon the criteria set forth in paragraphs (b), (c), and (d) of this section.

(b) Allocations of funds available for summer sponsors who are prospective or actual prime sponsors under Title I of the Act shall be based on the following formula:

(1) Fifty percent of such funds shall be allocated so that each sponsor receives the same percentage of the 1974 summer funds available under this Subpart A, as it received as a percentage of the funds available for the EOA and EEA summer program in 1973;

(2) Thirty-seven and one-half percent of the funds shall be allocated based on the ratio of the number of unemployed persons in the sponsor's area in 1973 to the total number of unemployed persons in the United States in that year;

(3) Twelve and one-half percent of the funds shall be allocated based on the ratio of the number of adults in low income families in the summer sponsor's area to the total number of adults in low income families in the United States; and

(4) No prime sponsor area shall be allocated less than 90 percent of the funds allocated to the area under the EOA and EEA summer program of 1973.

(c) (1) The total allocation to Indian and native American sponsors of programs funded under this Subpart A shall be equal to the same percentage of the funds available for Indian and native American sponsors under the EOA and EEA summer program in 1973.

(2) The allocation to each eligible Indian or native American organization shall be based upon the amount of funds each Indian or native American organization received under the EOA and EEA summer program in 1973. Specifically, each Indian or native American organization shall receive the same percentage of the funds available for all such organizations under this Subpart A as it received as a percentage of the funds available for all Indian and native American organizations under EOA and EEA summer programs in 1973.

(d) The allocation of funds to Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall follow the same formula set forth in paragraph (c) of this section for Indian organizations.

§ 97.4 Eligibility for funds.

Funds under this Subpart A shall be allocated by the Secretary to summer sponsors who may be:

- (a) Prospective or actual prime sponsors under Title I of the Act; or
- (b) Indian tribes, bands, groups, or other Indian organizations and native American organizations which received funds under the EOA and EEA summer program in 1973.

§ 97.5 Notification of intent.

An eligible summer sponsor desiring financial assistance for a program under this Subpart A shall, for the purpose of providing its notification of intent, submit to the appropriate ARDM (A listing of the ARDM's and the States within each Region is contained in the FEDERAL REGISTER of January 23, 1974 (39 FR 27443), the Preapplication for Federal Assistance Part I, prescribed by OMB Circular A-102. To facilitate the earliest implementation of the summer youth program, an eligible summer sponsor should file a Preapplication for Federal Assistance not later than May 31, 1974; however, a Preapplication for Federal Assistance shall not be submitted any later than June 12, 1974, unless the ARDM, for good cause, permits an extension of time.

§ 97.6 Application for grants and standards for reviewing grant applications.

(a) A program shall be undertaken under this Subpart A, upon execution of an agreement between a summer sponsor and the ARDM. Upon receipt of a Preapplication for Federal Assistance, the ARDM shall send a grant application package to each eligible summer sponsor. The grant application shall be submitted to the ARDM not later than June 15, 1974, unless the ARDM, for good cause, permits an extension of time.

(b) Each grant application shall be reviewed by the appropriate ARDM using all the standards described in § 95.17 of this title, except for those standards described in § 95.17(b)(10) and (b)(11). Paragraphs (b)(10) and (b)(11) of § 95.17 do not apply to the summer program.

§ 95.7 Application approval and disapproval.

Each grant application shall be approved or disapproved under the provisions and conditions described in § 95.18 and § 95.19 of this title.

§ 97.8 Use of alternative sponsors and services by the Secretary.

If a grant application is not filed, or is denied, or terminated, the Secretary may make provision for the use of an alternative sponsor, or provide services himself, as described in § 95.20 of this title.

§ 97.9 Content and description of grant application.

(a) The content of an application for programs funded under this Subpart A shall be identical to the content of an application for Title I programs, as set

forth in § 95.14(b) of this title, except that:

(1) The Program Narrative Description for programs under this Subpart A shall be in accordance with the requirements of paragraph (b) of this section, rather than in accordance with the requirements of § 95.14(b)(2)(i) of this title;

(2) The Program Transition Schedule, set forth in § 95.14(b)(2)(ii) of this title shall be deleted; and

(3) The Public Service Employment Occupational Summary shall be prepared as provided in paragraph (c) of this section, rather than as set forth in § 95.14(b)(2)(iv) of this title.

(b) The Program Narrative Description shall consist of:

(1) A policy statement on the purpose of the program funded under this Subpart A;

(2) A statement of the goals to be accomplished;

(3) A description of the number and characteristics of the participants to be served by (i) sex and (ii) age group: 14-15, 16-17, 18-21;

(4) A description of each program activity and service;

(5) A description of the methods to be used to recruit, select and determine the eligibility of participants;

(6) A description of the geographical area to be served; and

(7) The Public Service Employment Program description, as applicable, and described in § 95.14(b)(2)(i)(F) of this title.

(c) The Public Service Employment Occupational Summary forms shall be submitted separately for on-the-job training, for work experience, and for public service employment, as appropriate, and shall be prepared as described in § 95.14(b)(2)(iv) of this title except that for on-the-job training and for work experience activities the comparison of wages shall not be included.

(d) In order to facilitate the earliest possible implementation of the 1974 summer program for economically disadvantaged youth, and due to the limited time frame of the program, a summer sponsor need not submit its grant application for comment and publication.

§ 97.10 Modification of the grant agreement; modification of the program plan.

(a) A summer sponsor desiring a modification to an existing grant agreement shall follow the procedure described in § 95.21 of this title, except that § 95.21(c) shall not apply to the modification procedure to the grant agreement for the 1974 summer program.

(b) A summer sponsor desiring a major modification as defined in § 95.22 (b) of this title shall submit a revised project operating plan and a narrative explanation of the proposed changes to the ARDM. The ARDM shall notify the sponsor of final approval or tentative disapproval within 10 days of receipt of the proposed modification. An appeal of such determination may be obtained

through the procedures set out in Part 98 of this title.

(c) A summer sponsor shall follow the procedure described in § 95.22(c) of this title in making a minor modification to programs funded under this Subpart A. However, a sponsor shall show such modifications on the end-of-summer progress report.

(d) An ARDM may require a modification as described in § 95.22(d) of this title.

§ 97.11 Basic responsibilities of sponsors.

A sponsor of a program funded under this Subpart A shall be responsible for the compliance provisions described in § 95.31 of this title.

§ 97.12 Eligibility for participation.

Each participant in a program funded under this Subpart A shall be at time of enrollment:

(a) Economically disadvantaged, as defined in § 94.4;

(b) A youth, 14 years of age through 21 years of age; and

(c) Special consideration shall be given by summer sponsors to the needs of qualified disabled veterans and veterans of the Vietnam era who served on or after August 5, 1964, and who meet the eligibility requirements in paragraphs (a) and (b) of this section.

§ 97.13 Types of manpower services available in the summer program for economically disadvantaged youth.

(a) A program funded under this Subpart A may include any activity or service specified in § 95.33 of this title.

(b) The requirements for work experience activities, as described in § 95.33(d) of this title, are amended for programs funded under this Subpart A to read as provided in paragraph (c) of this section.

(c) Work experience. This program activity shall be designed to enhance the future employability of youth or to increase the potential of youth in obtaining a planned occupational goal.

(1) Work experience activities for youth include part-time work for students attending school; short-term employment for out-of-school youth adjusting to a work setting and in transition from school to a job setting; short-term employment for recent graduates; and short-term or part-time employment for veterans, institutional residents and inmates under special work release agreements. In addition, it may include short-term employment for those youth who have no definite occupational goal and for whom no training or job opportunity immediately exists. No work experience activities shall be conducted in the private-for-profit sector.

(2) Program outcomes for work experience participants include (i) return to school; (ii) enrollment in post-secondary education; (iii) enrollment in a manpower training activity; (iv) enlistment in the military services; and (v) placement in subsidized or unsubsidized employment.

(d) Funds allocated under § 97.3 shall not be used to finance recreation and transportation support programs authorized under § 97.25 of this Subpart A.

§ 97.14 Participant benefits.

(a) Participants in classroom training in programs funded under this Subpart A shall receive allowances and other benefits as described in § 95.33(d) (1) (iii) of this title.

(b) Participants in on-the-job training in programs funded under this Subpart A shall receive wages and other benefits as described in § 95.33(d) (2) (iv) of this title.

(c) Participants in transitional public service employment activities in programs funded under this Subpart A shall receive wages and benefits as described in § 95.33(d) (3) (ii) of this title.

(d) Each participant in a work experience activity shall receive wages at a rate of pay commensurate with such factors as the types of work performed, the geographical region of the program, and the skill proficiency of the participant, provided that no participant's hourly rate of pay shall be less of whichever is the highest of the minimum wage prescribed for similar employment by State or local law or an hourly wage of \$2.00 an hour. However, wages in the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands shall be consistent with applicable provisions of the Fair Labor Standards Act of 1938, as amended.

(e) Participants in work experience activities shall be provided workmen's compensation and, as appropriate, fringe benefits and manpower services.

(f) Participants in work experience activities at Federal worksites shall be provided coverage by the Federal Employees Compensation Act.

§ 97.15 Sponsor review.

Each sponsor of a program funded under this Subpart A shall establish a procedure as described in § 95.37 of this title for resolving any issue arising between it and a participant in a program funded under this Subpart A.

§ 97.16 Non-Federal status for participants.

As provided in § 95.38 of this title, participants in a program funded under this Subpart A shall not be deemed Federal employees.

§ 97.17 Worksite standards; safety and health requirements for participants.

(a) The placement of participants on a Federal worksite for work experience activities does not constitute Federal employment, except for purposes of the Federal Employees Compensation Act and the Federal Tort Claims Act.

(b) No participant under 18 years of age shall be employed in any occupation which the Secretary has found, pursuant to his authority under the Fair Labor Standards Act, to be particularly hazardous for persons between 16 and 18 years of age. (See Subpart E of Part 570, of this title.)

(c) Participants who are 14 and 15

years of age will participate only in accordance with the limitations imposed by §§ 570.31 to 570.35 of Subpart C of Part 570 of this title.

(d) Participants shall be provided safe and healthful working conditions as set forth in § 95.39 of this title.

(e) No participant shall be compensated for more than 40 hours per week.

§ 97.18 Training for lower wage industries and relocation of industries.

No participant may be enrolled in any activity or service provided by a program funded under this Subpart A in any lower wage industry job as set forth in § 95.40 of this title.

§ 97.19 Sponsor contracts and subgrants.

A sponsor of a program funded under this Subpart A may enter into contracts or subgrants under the provisions set forth in § 95.41 of this title.

§ 97.20 Cooperative relationships between sponsors and other manpower agencies.

Each sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies as described in § 95.42 of this title.

§ 97.21 Reporting requirements.

(a) Each summer sponsor shall submit two reports to the ARDM: an End-of-Summer Progress Report, and a Summary of Client Characteristics Report.

(b) The End-of-Summer Progress Report (The Quarterly Progress Report Form generally used by the sponsor of a comprehensive manpower program, but labelled by the summer project sponsor as End-of-Summer Progress Report) shall be used to summarize the accomplishments of the program. It constitutes the summer sponsor's statement of accomplishments and costs incurred and contains a certification of the correctness of the items reported. The End-of-Summer Report shall be submitted within 30 days of the termination of the program, but in no case later than October 15, 1974.

(c) The Summary of Client Characteristics Report shall contain aggregate characteristics data on all participants in programs funded under this Subpart A. (This report is the Quarterly Summary of Client Characteristics Report regularly submitted by the sponsor of a program funded under Title I, but labelled by the sponsor specifically for the Summer Program for Economically Disadvantaged Youth.) The summary is to be submitted to the ARDM with the End-of-Summer Progress Report appropriately marked, "Summer Program for Economically Disadvantaged Youth." The information for age characteristics on line 04 of the Summary of Client Characteristics Report shall be broken out on the back of the report by the following age groups.

- (1) 14-15 years;
- (2) 16-17 years; and
- (3) 18.

§ 97.22 Terminal date for 1974 summer program.

No program under this Subpart A shall continue beyond October 1, 1974.

§ 97.23-24 [Reserved]

§ 97.25 Recreation and transportation support programs.

(a) *Scope and purpose of this section.* (1) This section contains the policies, rules, and regulations of the Department in implementing and administering recreation and transportation support programs established by the Second Supplemental Appropriations Act of 1974 (Pub. L. 93-305).

(2) Parts 94 and 98 of this title shall be applicable to programs under this section, unless otherwise provided in this section. The requirements of the other sections of this Subpart A shall not apply to programs under this section, unless otherwise provided in this section. Definitions for this section may be found in § 94.4 and § 97.2 of this title.

(b) *Definition of recreation and transportation support programs.* (1) Recreation support programs will provide recreation opportunities such as playground activities, organized sports and games, arts and crafts, informational tours, cultural field trips, instruction in the creative arts, and special events.

(2) Transportation support programs will provide transportation services to jobs, cultural activities, recreation activities, or education activities.

(3) Each sponsor shall determine the portion of its recreation and transportation allocation that will be used for each support activity.

(4) Recreation and transportation support programs shall be administered as part of summer programs for economically disadvantaged youth (hereinafter referred to as summer programs).

(c) *Eligibility for sponsorship of recreation and transportation support programs; use of alternate sponsors.* (1) Funds under this section shall be allocated by the Secretary to summer program sponsors as defined in § 97.4.

(2) The ARDM may make provision for the use of an alternate sponsor or provide services himself if a sponsor for any reason is unable or fails to establish or maintain an acceptable recreation and transportation support program.

(d) *Allocation of recreation and transportation support program funds.* Sponsors shall be eligible to receive the same percentage of the total available recreation and transportation support program funds as they were eligible to receive as a percentage of the total available summer program funds.

(e) *Program forms for recreation and transportation support programs.* (1) The forms for either modifying existing summer program grant agreements or revising summer program applications to incorporate recreation and transportation support programs into summer programs are:

- (i) Program narrative description;
- (ii) Project operating plan;

(iii) Special assurances, which include:

(A) Assurance that appropriate general liability and automobile liability insurance will be provided;

(B) Assurance that economically disadvantaged youth are the beneficiaries of the programs;

(C) Assurance that funds already planned for recreation and transportation activities are not decreased;

(D) Assurance that recreation support program funds are not used to compensate participants in the program;

(E) Assurance that transportation support program funds are not used to purchase transportation vehicles or equipment; and

(F) Assurance that transportation support program services are provided from properly licensed and insured sources and are operated in compliance with all applicable local, State, and Federal statutes covering public transportation; and

(iv) Grant signature sheet.

(2) The second half of the project operating plan form, entitled progress report, shall be completed and submitted to the ARDM by October 15, 1974.

(f) *Incorporation of recreation and transportation programs into summer programs.* (1) If a summer program grant agreement has been signed by the sponsor, the agreement will be modified to incorporate recreation and transportation support programs. The sponsor shall prepare five copies of the appropriate forms and submit them to the ARDM for final review and approval. Instructions for modifying summer program grant agreements are specified in § 97.10.

(2) If a summer program grant has not been signed, the sponsor shall complete the appropriate forms for recreation and transportation support programs, and submit them along with the summer program grant application.

(g) *Approval and disapproval of recreation and transportation support programs.* (1) An ARDM shall approve a recreation and transportation support program which is consistent with the applicable provisions of the law and the regulations of this title.

(2) An ARDM shall disapprove or terminate in whole or in part any recreation and transportation support program which is not consistent with any applicable law or regulation. In such an instance, an ARDM may make provision for an alternate sponsor or serve such an area directly, as specified in paragraph (c) (2) of this section.

(h) *Sponsor contracts and subgrants.* A recreation and transportation support program sponsor may enter into contracts or subgrants under the provisions set forth in § 95.41 of this title.

(i) *Eligibility for participation in recreation and transportation support programs.* (1) Each participant in a recreation support program shall be a youth too young to obtain employment and be economically disadvantaged as defined in § 94.4(r) of this title.

(2) Each participant in a transportation support program shall be an economically disadvantaged youth.

(j) *Location of recreation support programs.* (1) To the maximum extent possible, recreation sites shall be located directly in low-income communities or areas to ensure that disadvantaged youth are the beneficiaries of the program.

(2) An activity may be located outside of low-income areas if necessary because of its nature or in order to effect centralization.

(3) Activities shall be conducted in as many areas within the sponsor's jurisdiction as is possible.

(k) *Allowable costs for recreation and transportation support programs.* (1) Recreation support program allowable costs are:

(i) Administration, including but not limited to: salaries, wages and fringe benefits of programs administrators (but not program staff); consumable office supplies; rent and utilities; telephone and postage; and travel of program administrators. No more than 20 percent of the funds may be expended on this category.

(ii) Services, including but not limited to: purchase of recreation equipment and supplies up to \$100 per unit cost to be used in support of the program; rental of recreation equipment and supplies to be used in support of the program; admission to special events; field trip expenses; salaries, wages, fringe benefits, and orientation of program staff, such as art instructors and playground supervisors; transportation for participants and program staff; lunches or food provided as an integral part of a recreation activity; recreation clothing; and insurance. Procurement instructions are set forth at 29 CFR 98.20.

(2) Transportation support program allowable costs are:

(i) Administration. This includes the same items and same limitation as in paragraph (k) (1) (i) of this section.

(ii) Services, including but not limited to: Bus tokens, and rental of charter buses, taxis, cars, and vans.

(1) *Limitations on expenditures of recreation and transportation support program funds.* (1) Recreation support program funds shall not be expended on office equipment, in-place installations, capital improvements, or to compensate participants in the program.

(2) Transportation support funds shall not be expended to purchase transportation vehicles or equipment such as cars, vans, or buses.

(3) Recreation and transportation support program funds shall not be used to finance any other program activities and services authorized under the summer program, such as, but not limited to, work experience, on-the-job training, or public service employment activities.

(m) *Coordination of recreation and transportation support programs with other programs under the Act.* (1) Sponsors may lower the administrative and service costs of recreation and transportation support programs by linking the resources of other manpower programs

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with recreation and transportation support programs. The administrative staff of the summer program and other manpower programs may be used to administer recreation and transportation support programs through, for example, assistance in outreach and intake. In addition, transportation services may be provided as services for participants in the summer program and thus supplement transportation support program activities.

(2) Participants in the summer program and other manpower programs shall, to the maximum extent possible,

be utilized as program and administrative staff in the support programs by using the recreation and transportation programs as work stations.

(n) *Maintenance of effort.* No sponsor shall, because of funds granted under this section, reduce or decrease funds already planned for recreation and transportation activities of a nature similar to those provided under this section.

(o) *Sponsor review.* Each sponsor of a recreation and transportation support program shall establish a procedure as described in § 95.37 of this title for the

resolution of issues and complaints arising out of the operation of the program.

(p) *Safety and health conditions.* Participants shall not be exposed to conditions which are unsanitary or hazardous or dangerous to their safety or health.

(q) *Termination.* No recreation and transportation support program shall continue beyond October 1, 1974.

Signed in Washington, D.C. this 15th day of August, 1974.

PETER J. BRENNAN,
Secretary of Labor.

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PART IV



DEPARTMENT OF AGRICULTURE

■

Board of Contract Appeals

Forest Service

Office of the Secretary

■

CONTRACT APPEALS

Organization and Functions; Procedure

RULES AND REGULATIONS

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 24—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

Subpart A—Organization and Functions

On May 21, 1974, the FEDERAL REGISTER (39 FR 17853) contained a notice that the Department of Agriculture proposed to enlarge the jurisdiction of the Board of Contract Appeals.

Interested parties were given 30 days to submit data, views or recommendations pertaining to the proposal. All such submissions have received careful consideration.

A number of suggestions for improvement of the procedures before the Board of Contract Appeals were considered and adopted. Thus, for example, the language of Rule 15 regarding exercise of discretion of the Presiding Officer in case of failure to comply with discovery orders was revised to delete the phrase "satisfactory to the Presiding Officer"; the language of Rule 17(a) was revised to delete the word "ordinarily"; the language of Rule 17(b) was revised to state that the Board members considering a case and not the Presiding Officer alone would exercise discretion as to the weight to be attached to evidence; the language of Rule 17(e) was revised to provide that copies of documents could be offered in evidence unless originals were required by the Presiding Officer. The definition of contracting officer of the Forest Service in § 24.10(d) was clarified to meet suggestions as to the handling of administrative review of the decisions of a subordinate to the contracting officer. The jurisdiction of the Board in § 24.4 (e) was revised in the light of suggestions to clarify the relationship between the Forest Service administrative review procedures and the contract disputes cases appealable to the Board as well as to clarify the authority of the Board to rule on jurisdictional issues subject to final ruling by the Secretary.

There were suggestions that immediate access to the Board be available from all Forest Officer decisions such as are presently in Class One before the Board of Forest Appeals. There were other suggestions that a greater scope of agency review be permitted in the case of Forest Officer decisions before a case could be appealed to the Board. It was necessary to balance these viewpoints so as to provide expeditious resolution of disputes in a judicial manner and yet to provide for Forest Service review of decisions of subordinates to contracting officers of the Forest Service. We adopted an intermediate course to afford Forest Service review of subordinate officer's decisions by a Forest Supervisor—the first level of contracting officer of the Forest Service—before a decision becomes appealable to the Board. Thus, full consideration at a reasonably high agency level can be accomplished, possibly resulting in mutual agreement of the parties, before a matter comes to the Board.

The question of extending the time for filing a notice of appeal was carefully considered. If good cause for failure to timely file were alleged, the matter would then require a preliminary ruling and might result in delay rather than expeditious proceedings. In view of the fact that a simple notice of appeal in letter form will operate as an effective appeal tolling the 30 day filing period, it has been concluded that no extensions will be authorized for the filing of a notice of appeal. It should be noted that extensions for filing a perfected appeal and for filing other papers may be granted in cases where a timely notice of appeal is filed.

Provisions for stay of decisions pending before Forest officers in the administrative review procedure under 7 CFR 211.2 have been adopted. However, it would not be appropriate to authorize the Board to grant a stay of a decision and suggestions to that effect were not adopted.

Jurisdiction of Boards of Contract Appeals is generally based on a disputes clause in a contract which requires the contractor to proceed diligently with performance in accordance with the contracting officer's decision pending final decision of the dispute. The goal is to assure that contractors will continue work during the pendency of a dispute. Accordingly, it would not be appropriate to provide authority for a stay of decision by the Board in this regulation and this is consistent with procedures before other Boards of Contract Appeals of the various Government agencies.

A number of comments expressed concern that the expected caseload could not be expeditiously handled by the Board. There were proposals to have a larger number of members, to have part-time members of other backgrounds and skills than attorneys, to continue to have non-government part-time members serve on the Board. One of the primary purposes of this reorganization and consolidation of Board functions is to permit more expeditious processing of appeals while affording the parties a judicial remedy in the framework of due process proceedings. The Board will be initially constituted with three full time employees who are attorneys together with two employees who have other training and backgrounds who will serve on a part-time basis. With such staffing we believe this Board will be better equipped to handle the caseload expeditiously. Although there are some advantages in having members who are not Government employees, the use of such persons can result in delays in consideration of cases especially if such persons do not reside in the Washington, D.C. area. Accordingly, the proposed use of non-government members has been rejected.

The regulations as revised and clarified in the light of comprehensive consideration of all suggestions and comments received will be made effective 30 days after publication in the FEDERAL REGISTER.

The regulations are hereby issued and adopted as a new Subpart A of Part 24, Subtitle A, Title 7 of the Code of Federal Regulations to read as follows:

Subpart A—Organization and Functions

Sec.	General.
24.1	Composition of Board.
24.2	Presiding Officer.
24.3	Jurisdiction.
24.4	Time for filing notice of appeal.
24.5	Board location and address.
24.6	Public information.
24.7	Transfer of pending appeals under 7 CFR Part 2400 and 36 CFR Part 211.
24.8	Rules of procedure.
24.9	Definitions.
24.10	[Reserved]
24.11-20	

AUTHORITY: (5 USC 301); (40 USC 486(c)); sec. 4, 62 Stat. 1070, as amended (15 USC 714b); 30 Stat. 35, as amended (16 USC 551); 50 Stat. 525, as amended (7 USC 1011(f)); secs. 9, 10, 62 Stat. 1072, 1073 (15 USC 714g, 714h).

Subpart A—Organization and Functions

§ 24.1 General.

This Subpart prescribes the organization and functions of the Board of Contract Appeals, United States Department of Agriculture (referred to as the "Board"). The provisions of 5 USC 551-559 (Administrative Procedure Act, 80 Stat. 378, as amended) are not applicable to proceedings before the Board except for the requirements under 5 USC 552 (81 Stat. 54) respecting public information, agency rules, opinions, orders and records.

§ 24.2 Composition of Board.

The Board shall be composed of not less than three nor more than five members appointed by the Secretary of Agriculture, one of whom shall be designated Chairman and one of whom shall be designated Vice-Chairman. A majority of such members shall be qualified attorneys admitted to practice law in any State or the District of Columbia. A vacancy on the Board shall not impair the powers or affect the duties of the Board. The Vice-Chairman shall act for the Chairman upon request or when the Chairman is absent or unable to act. In any case where a panel of three members is required to decide such case, and one or more of such panel members initially designated is absent or unable to act, the Chairman may designate another member or members to serve on the panel to decide such case. In any case where a single member is required to decide a case under accelerated procedures and such member is absent or unable to act, the Chairman may designate another member to decide such case.

§ 24.3 Presiding Officer.

The Chairman shall act as Presiding Officer or designate a member of the Board to so act in each proceeding. The Presiding Officer shall have power to:

- Rule upon motions and requests;
- Adjourn the hearing from time to time and change the time and place of hearing;

- (c) Administer oaths and affirmations and take affidavits;
- (d) Receive evidence;
- (e) Order the taking of depositions;
- (f) Admit or exclude evidence;
- (g) Hear oral argument on facts or law;

(h) Consolidate appeals filed by two or more appellants; and

(i) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

The Presiding Officer shall be the sole member in cases designated for accelerated procedure under the rules of procedure of the Board. In all other cases, three members shall be the panel and a decision of a majority of the panel shall constitute the decision of the Board. The Chairman is hereby delegated authority to request subpoenas pursuant to 5 U.S.C. 304.

§ 24.4 Jurisdiction.

(a) *Decisions of contracting officers of the Department of Agriculture and Commodity Credit Corporation.* The Board shall have jurisdiction of appeals taken from decisions of contracting officers of agencies of the Department of Agriculture and Commodity Credit Corporation within the scope of the Disputes Article of contracts.

(b) *Claims by or against Commodity Credit Corporation.* The Board shall have jurisdiction to consider and determine, upon specific referral by the President or a Vice-President of Commodity Credit Corporation, an appeal by any person on a contract claim by or against Commodity Credit Corporation not pending in the Department of Justice or in litigation and involving doubtful or disputed questions of fact or law where claimant has been unable to effect settlement or adjustment satisfactory to him under other established policies and procedures.

(c) *Contract Work Hours Standards Act.* The Board shall have jurisdiction of appeals taken from decisions of contracting officers of the Department of Agriculture under the Contract Work Hours Standards Act (Pub. L. 87-581, August 13, 1962, 76 Stat. 357; 40 USC 327-332).

(d) *Debarment.* The Board shall have jurisdiction to hear and determine the issue of debarment and the period thereof, if any, on an appeal by a person debarred (1) by an authorized official of the Commodity Credit Corporation under 7 CFR 1407.6(d), or (2) by an authorized official of the Department of Agriculture under 41 CFR 4-1.604-1(b).

(e) *Appeals from decisions of contracting officers of the Forest Service.* The Board shall have jurisdiction of appeals from decisions of "contracting officers of the Forest Service," (see definition in § 24.10(d)), Department of Agriculture, in which the issue under appeal relates to a breach of the terms or provisions of a contract except that:

(1) Appeals subject to Board jurisdiction involving Forest Service decisions under § 24.40(a) or (d) shall be excluded from jurisdiction under this paragraph,

(2) Appeals subject to administrative review under 36 CFR 211.2 involving management and policy decisions and not involving breach of contract shall be excluded from jurisdiction under this paragraph, and

(3) No appeal under this paragraph shall lie where the relief sought is reformation of contract, monetary damages or amendment of contract at the discretion of the Forest Service to extend the term of the contract.

Either party may appeal to the Board for a ruling on the issue of jurisdiction or lack thereof under this paragraph. Such appeal shall be filed with the Board within 30 days from the date of a decision by a Forest officer as to jurisdiction under this paragraph or under 36 CFR 211.2. The ruling of the Board on jurisdiction or lack thereof under this paragraph may be appealed to the Secretary by either party within 30 days from the date of receipt by the appealing party of the Board's ruling. Any such appeal to the Secretary shall be filed with the Board. The decision of the Secretary on appeal of the Board's ruling shall be final as to the issue of jurisdiction.

§ 24.5 Time for filing notice of appeal.

A notice of appeal shall be filed within 30 days from the date of receipt of the decision of the contracting officer or within such different time as may be prescribed in the contract or other applicable regulation of the Department, provided, that in case of appeal under § 24.4 (e), the notice of appeal shall be filed within 30 days from the date of receipt of the decision of the contracting officer of the Forest Service. The time for filing a notice of appeal shall not be extended by the Board.

§ 24.6 Board location and address.

The Board of Contract Appeals is located in Washington, D.C. All correspondence and all documents to be filed with the Board should be addressed to the Board of Contract Appeals, care of the Hearing Clerk, 14th & Independence, SW., United States Department of Agriculture, Washington, D.C. 20250.

§ 24.7 Public information.

The records of the Board are open to the public for inspection and copying at the office of the Board. Decisions and rulings of the Board shall be published from time to time and copies made available to the public upon request at cost of duplication except that the Board shall, in its discretion, have authority to make copies of decisions and rulings available at no charge in accordance with the Record Copying Policy and Procedures of the Department (39 FR 26050). Hearings before the Board shall be open to the public.

§ 24.8 Transfer of pending appeals under 7 CFR Part 2400 and 36 CFR Part 211.

Appeals filed prior to the effective date of this Part 24 with the Board of Contract Appeals pursuant to 7 CFR 2400.1 to 2400.13 shall be carried to final dis-

position thereunder, and appeals filed prior to the effective date of this Part 24 pursuant to 36 CFR 211.20 to 211.37 shall be carried to final disposition thereunder, except that where the Board established under this Subpart A determines that a pending appeal is within its jurisdiction, the Board upon agreement of the parties may direct and order that further proceedings in such pending appeal shall be governed by this Part 24.

§ 24.9 Rules of Procedure.

The Chairman of the Board shall prescribe its Rules of Procedure and publish such Rules in Subpart B of this Part 24 and may prescribe and so publish amendments thereto from time to time. The Rules of Procedure and any amendments thereto shall be consistent with this Subpart.

§ 24.10 Definitions.

(a) "Board" means the Board of Contract Appeals established under this Subpart.

(b) "Chief" means the Chief, Forest Service, United States Department of Agriculture.

(c) "Contract" means any agreement entered into by the Department or its agencies or authorized officials with any person, including timber sale contracts, grazing permits, special use permits, cooperative agreements and other written instruments having the legal effect of contracts between the Department and a person.

(d) "Contracting officer" means any person who is designated as a contracting officer. For purposes of appeals under § 24.4(e), "contracting officer of the Forest Service" means (1) a Forest Supervisor who makes a decision arising out of a contract upon administrative review of a decision of a subordinate Forest officer or who makes a decision under a contract as the initial decision maker, (2) a Regional Forester who makes a decision arising out of a contract upon administrative review of a decision of a subordinate Forest Supervisor or who makes a decision under a contract as the initial decision maker, or (3) the Chief who makes a decision arising out of a contract upon administrative review of a decision of a Regional Forester or who makes a decision under a contract as the initial decision maker.

(e) "Department" means the United States Department of Agriculture.

(f) "Forest Supervisor" means a Forest Supervisor having responsibility for a National Forest of the Forest Service and any officer or employee of the Forest Service to whom authority has heretofore or may hereafter be delegated to act in his stead.

(g) "Government attorney" means the attorney of the Department designated to handle a particular appeal on behalf of the contracting officer.

(h) "Hearing Clerk" means the Hearing Clerk, 14th & Independence, SW., United States Department of Agriculture, Washington, D.C. 20250.

(i) "Person" means any individual, partnership, public or private corpora-

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tion, association, agency or other legal entity.

(j) "Presiding officer" means the member of the Board designated to preside at proceedings in a particular appeal.

(k) "Regional Forester" means a Regional Forester having responsibility for a Region of the Forest Service and where applicable a Forest and Range Experiment Station Director, Wood Products Laboratory Director, Director of the Institute of Tropical Forestry, Area Director, and any officer or employee of the Forest Service to whom authority has heretofore or may hereafter be delegated to act in their stead.

§§ 24.11-20 [Reserved]

Effective date. The provisions of this Subpart A shall take effect on September 25, 1974.

Signed at Washington, D.C. on August 21, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-19712 Filed 7-23-74; 8:45 am]

PART 24—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

Subpart B—Rules of Procedure

On May 21, 1974, the FEDERAL REGISTER (39 FR 17853) contained a notice that the Department of Agriculture proposed to enlarge the jurisdiction of the Board of Contract Appeals and to issue Rules of Procedure.

Interested parties were given 30 days to submit data, views or recommendations pertaining to the proposal. The written comments filed in response to such notice have been considered. A number of clarifications, modifications and revisions suggested have been adopted.

The Rules of Procedure as so revised and clarified will become effective September 25, 1974.

The Rules of Procedure as so revised and clarified are hereby issued and adopted as a new Subpart B of Part 24, Subtitle A, Title 7 of the Code of Federal Regulations to read as follows:

Subpart B—Rules of Procedure

Sec.
24.21 Rules of Procedure of Board of Contract Appeals established under Subpart A.

Rule

- 1 Appeals, how taken.
- 2 Notice of appeal, contents.
- 3 Time limitations.
- 4 Appeal file.
- 5 Board action upon receipt of appeal file.
- 6 Status of appeal file.
- 7 Dismissal for lack of jurisdiction.
- 8 Complaint.
- 9 Answer.
- 10 Additional pleadings and motions.
- 11 Pre-hearing briefs and oral argument.
- 12 Pre-hearing conference.
- 13 Discovery procedures.
- 14 Objections to discovery sought under Rule 13.
- 15 Sanctions.
- 16 Subpoena power.
- 17 Evidence.
- 18 Notice of hearings.
- 19 Hearings.

Sec.

- 20 Absence of appellant at a hearing.
- 21 Conduct of hearings.
- 22 Transcript.
- 23 Post-hearing briefs.
- 24 Representation of parties at hearings.
- 25 Settlement.
- 26 Closing the record.
- 27 Accelerated procedure.
- 28 Decisions of Board.
- 29 Reconsideration.
- 30 Failure to prosecute an appeal.
- 31 Ex parte communications.

AUTHORITY: (5 USC 301); (40 USC 486(c)); sec. 4, 62 Stat. 1070, as amended (15 USC 714b); 30 Stat. 35, as amended (16 USC 551); 50 Stat. 525, as amended (7 USC 1011(f)); secs. 9, 10, 62 Stat. 1072, 1073 (15 USC 714g, 714h).

§ 24.21 Rules of Procedure of Board of Contract Appeals established under Subpart A.

The Rules of Procedure of the Board of Contract Appeals, Department of Agriculture, established under Subpart A are hereby prescribed as follows:

Rule 1. Appeals, how taken. A notice of appeal shall be in writing in an original with two copies filed with the Board care of the Hearing Clerk. Such notice of appeal shall be mailed or otherwise filed within the time specified in the contract or allowed by applicable provision of law or regulation. A notice of appeal under § 24.4(e) shall be filed not later than 30 days from the date of receipt of the decision being appealed.

Rule 2. Notice of appeal, contents. A notice of appeal shall indicate that an appeal is thereby intended, the agency or field office of the Department involved, the decision from which the appeal is taken, the date of receipt of the decision involved and, where applicable, the contract number. The notice of appeal shall be signed by the appellant or his authorized representative or attorney. The complaint referred to in Rule 8 may be filed together with the notice of appeal or the notice of appeal may also be designated by the appellant as the complaint if it otherwise fulfills the requirements of a complaint.

Rule 3. Time limitations. Whenever the final date for performance of any act under this Part falls on a Saturday, Sunday or national holiday, the time for performance shall be extended to the next working day. If mailing is required, it shall be considered timely if the mailing is postmarked by midnight of the final date or in cases described above if postmarked by midnight of such next working day. Where the action required to be taken is within a prescribed number of days after receipt of a notice, the date of receipt shall be excluded in computing such period of time. The Board may extend any time limitation prescribed under its Rules of Procedure on good cause shown except for the time prescribed for filing any notice of appeal or appeal on the question of jurisdiction under § 24.4(e).

Rule 4. Appeal file. The contracting officer after request from the Board shall not later than the time prescribed by the Board prepare and file with the Board 3 copies of all documents pertinent to the appeal as an appeal file including as applicable but not necessarily limited to:

- (a) The decision and findings of fact from which appeal is taken;
- (b) The contract, including pertinent specifications, amendments, plans and drawings;
- (c) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;
- (d) Transcripts of any testimony taken

during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(e) Any additional information considered pertinent.

Rule 5. Board action upon receipt of appeal file. The Board upon receipt of the appeal file from the contracting officer shall send a copy thereof to appellant and to the Government attorney. The appellant and the Government attorney may supplement the appeal file by filing with the Board 3 copies of any additional documents not contained in the appeal file which appellant or the Government attorney believes are also pertinent to the appeal. Such filing shall be made with the Board within the time prescribed by the Board. Upon receipt of any such additional documents, the Board shall send copies thereof to the contracting officer and the other party.

Rule 6. Status of appeal file. The appeal file as supplemented under Rule 5 shall be a part of the record before the Board except that where a party files objection to inclusion of one or more specific documents prior to closing of the record, the Board will rule on admissibility of such documents.

Rule 7. Dismissal for lack of jurisdiction. A motion to dismiss for lack of jurisdiction may be filed with the Board by a party at any time. The Board may also raise the question of jurisdiction at any time on its own motion. Hearing on the issue of jurisdiction shall be afforded the parties either prior to hearing on the merits or at the hearing on the merits as prescribed by the presiding officer.

Rule 8. Complaint. Appellant shall file a complaint in an original and 2 copies with the Board not later than 30 days from the date of receipt of notice of docketing from the Board. Upon a showing of good cause by appellant the time for such filing may be extended by the presiding officer. The complaint shall contain simple, concise statements of error in the decision, dollar amounts, where applicable, and reference to contract provisions.

Rule 9. Answer. The Government attorney shall file an Answer in an original and 2 copies with the Board not later than 30 days from the date of receipt of the complaint from the Board. Upon a showing of good cause by the Government attorney the time for such filing may be extended by the presiding officer. The Answer shall contain simple, concise statements of defenses and may include counter-claims. The Board shall send a copy of the Answer to appellant. If a counter-claim is filed, the presiding officer will afford the other party an opportunity to file a response.

Rule 10. Additional pleadings and motions. The presiding officer, in his discretion, may permit such additional pleadings and motions to be filed as may be desirable in the interests of defining the issues and affording the parties full opportunity to prepare their cases.

Rule 11. Pre-hearing briefs and oral argument. The presiding officer, in his discretion, may require or allow the filing of pre-hearing briefs in such manner as he may prescribe and may also require or allow oral argument prior to any evidentiary hearing on the merits.

Rule 12. Pre-hearing conference. The presiding officer, in his discretion, may require a pre-hearing conference to consider:

- (a) The simplification or clarification of the issues;
- (b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) The possibility of agreement disposing of all or any of the issues in dispute;

(e) Such other matters as may aid in the disposition of the appeal.

The results of the conference shall be reduced to writing by the presiding officer and this writing shall constitute part of the record.

Rule 13. Discovery procedures.—(a) *Discovery methods.* Parties may obtain discovery by one or more of the following methods:

(1) *Depositions.* Depositions upon oral examination before any officer authorized to administer oaths at the place of examination for use as evidence or for purposes of discovery. Each party shall bear its own expenses associated with the taking of any deposition.

(2) *Written interrogatories.*

(3) *Inspection and copying of documents.*

(4) *Admission of facts.*

(b) *Time, place and manner.* The parties may agree on the time, place and manner of discovery under this Rule, or failing such agreement, the time, place and manner of discovery shall be governed by order of the presiding officer.

Rule 14. Objections to discovery sought under Rule 13. The presiding officer upon motion by either party objecting to all or part of the discovery sought under Rule 13 shall prescribe such limitations thereon as he deems necessary and appropriate.

Rule 15. Sanctions. The presiding officer in any instance of failure or refusal of a party to comply with discovery orders issued under Rules 13 or 14 without excuse or explanation may (a) decide the fact or issue relating to the material requested to be produced, or the subject matter to be produced, or the subject matter of the probable testimony, in accordance with the claims of the other party or in accordance with other available evidence, (b) dismiss the appeal if the appellant is the disobedient party, or (c) make such other ruling as he determines just and proper.

Rule 16. Subpoena power. The Chairman has authority by delegation from the Secretary to request the appropriate United States Attorney to apply to the appropriate United States District Court for the issuance of subpoenas pursuant to 5 USC 304.

Rule 17. Evidence.—(a) *Depositions.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the presiding officer may in his discretion receive depositions as evidence in supplementation of that record.

(b) *Weight.* The weight to be attached to any evidence of record shall rest within the sound discretion of the Board member(s) considering the case.

(c) *Relevance.* The presiding officer shall receive only evidence which is germane to the issues involved and shall exclude, insofar as practicable, evidence which is immaterial, irrelevant or unduly repetitious or which is not of the sort upon which responsible persons are accustomed to rely.

(d) *Additional evidence.* The presiding officer, at any stage of a proceeding may request a party to submit additional evidence on any matter relevant to the appeal.

(e) *Copies of documents.* The presiding officer may receive copies of relevant docu-

ments in evidence unless, in his discretion, he requires originals of such documents.

(f) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: Provided, That the parties shall be given adequate notice of matters so noticed and shall be given adequate opportunity to show that such facts are erroneously noticed.

Rule 18. Notice of hearings. The Board shall give notice of the time and place set for hearing which shall be scheduled as may best serve the interests of the parties and the Board. Such notice shall be sent to the parties in writing not less than 30 days in advance of the date for such hearing unless the parties waive notice.

Rule 19. Hearings. A hearing before the Board shall be a matter of right which shall be afforded to appellant unless he waives such right. The Government attorney may request a hearing in any case and a hearing shall be afforded even though appellant has waived the right to a hearing. The presiding officer may require a hearing in any case.

In cases where the parties agree and request that the appeal be decided on the written record and the presiding officer does not require a hearing, the case shall not go to hearing but shall be decided on the written record.

Rule 20. Absence of appellant at a hearing. The absence of appellant at a scheduled hearing shall result in dismissal of the appeal for failure to prosecute if such absence is unexplained or not excused.

Rule 21. Conduct of hearings.—(a) *General.* Hearings shall be conducted by the presiding officer in such a way as to afford the parties a full and complete review of the decision on appeal and to obtain a clear and orderly record. Hearings shall be open to the public. Testimony shall be reported verbatim. Testimony of witnesses shall be upon oath or affirmation and subject to cross-examination and questions from the presiding officer and Board members.

(b) *Burden of proof and order of proceeding.* The burden of proof rests on the appellant asserting the claim or error in the decision except that the burden of proof in case of counter-claims rests on the party asserting them. Unless otherwise permitted by the presiding officer, the appellant shall proceed first at the hearing followed by the presentation of the Government attorney and any rebuttal case permitted by the presiding officer.

(c) *Objections.* If a party objects to the admission or rejection of any evidence or to a limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection and the presiding officer shall rule thereon or reserve ruling.

(d) *Records and documents.* Upon proof of authenticity, papers, books, records or documents shall be admissible in evidence without the production of the person who made or prepared the same except that the person who prepared documents specially for use at the hearing should be available to explain such documents.

(e) *Exhibits.* All documents offered in evidence at a hearing shall be marked for identification by number or letter as prescribed by the presiding officer. Except where the presiding officer finds that the furnishing of copies is impracticable, a copy of each proposed exhibit shall be made available to the other party when offer is made.

(f) *Offer of proof.* Whenever evidence is excluded from the record the offering party may make an offer of proof briefly stating the evidence proposed to be received into evidence.

(g) *Affidavits.* The presiding officer may

receive affidavits in evidence if the evidence is otherwise admissible.

Rule 22. Transcript. Transcripts of the proceedings shall be made available by the Board to the Government attorney. Transcripts of the proceedings may be ordered at the hearing by appellant at actual cost of duplication (Pub. L. 92-463, October 6, 1972, 86 Stat. 770, 5 USC App. I). Transcripts of the proceedings shall also be available to any person at actual cost of duplication.

Rule 23. Post-hearing briefs. The presiding officer shall prescribe the manner of filing any post-hearing briefs.

Rule 24. Representation of parties at hearings. Appellant may appear before the Board in person or be represented by an authorized representative or attorney subject to the limitations prescribed in 7 CFR 1.26 regarding representation before the Department. The Government shall be represented by the Government attorney.

Rule 25. Settlement. The parties may agree to settlement of all or part of the issues at any stage of the proceedings before issuance of a decision of the Board.

Rule 26. Closing the record. The presiding officer shall close the record (1) after all pleadings, written argument, and documentary evidence have been received in a case submitted on the written record or (2) quote any post-hearing benefit has been concluded in a case involving a hearing. The presiding officer upon proper request and showing of good cause may reopen the record prior to issuance of a decision of the Board.

Rule 27. Accelerated procedure.—(a) *Election.* Appellant may elect at the time of filing the notice of appeal or the complaint to have the appeal handled under this Rule 27. The Board may proceed under this Rule 27 upon a finding that the appeal falls within the limitations prescribed in paragraph (1) of this Rule 27 and that the Government attorney does not object to handling under the accelerated procedure.

(b) *Dollar amount limitation.* In order to be handled under this Rule 27, the Board shall determine that \$25,000 or less is involved in the claim of the appellant together with the amount involved in any counter-claim filed by the Government attorney. If no dollar amount of claim or counter-claim is involved, the Board shall determine whether the appeal can be properly disposed of under this Rule 27 and shall issue an appropriate ruling granting or denying the request of appellant.

(c) *Elimination of procedures.* In any appeal handled under these accelerated procedures, the presiding officer shall require the filing of a complaint, answer and appeal file but may dispense with briefs, discovery and additional pleadings.

(d) *Presiding officer as decision maker.* The presiding officer in any appeal handled under these accelerated procedures on the basis of the written record where no hearing is held, or on the basis of the entire record after hearing where a hearing is held, shall issue a short written decision as soon as practicable after closing of the record and such decision shall be the final decision of the Board.

Rule 28. Decisions of Board. The Board shall issue written decisions containing Findings of Fact and Conclusions and send copies to the parties by certified mail or if delivered directly with a notification of the date of delivery.

Rule 29. Reconsideration. The Board shall consider any request for reconsideration of a decision filed by either party not later than 30 days from the date of receipt of such decision by the party making the request.

The Board may deny such request or may permit such additional proceedings as it deems necessary.

Rule 30. Failure to prosecute an appeal. Whenever a record discloses the failure of the appellant to file documents required by these rules, respond to notices or correspondence from the Board, or to comply with orders of the Board, or if the record otherwise indicates an intention not to continue the prosecution of an appeal filed, the Board may issue an order requiring appellant to show cause within 30 days why the appeal should not be dismissed for lack of prosecution. If the appellant shall fail to show such cause, the appeal may be dismissed with prejudice.

Rule 31. Ex parte Communications. No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communication concerning the Board's administrative functions or procedures.

Effective date. The provisions of this Subpart B of Part 24 shall take effect on September 25, 1974.

Signed at Washington, D.C., on August 21, 1974.

PAUL H. RAPP,
Acting Chairman,
Board of Contract Appeals.

[FR Doc. 74-19713 Filed 8-23-74; 8:45 am]

CHAPTER XXIV—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

PART 2400—ORGANIZATION, FUNCTIONS, AND RULES OF PROCEDURE

Technical Amendment

The regulations enlarging the jurisdiction of the Board of Contract Appeals of the Department of Agriculture have been published in 7 CFR Part 24 (39 FR 137 and 139). In order to provide for handling of pending appeals under 7 CFR Part 2400 it is necessary to add a new § 2400.14. It is also necessary to conform the procedures for obtaining transcripts of hearings.

Since these are technical amendments, compliance with the notice, public procedure and 30 day effective date requirements of 5 USC 553 is hereby determined and found to be unnecessary and this amendment shall become effective August 26, 1974.

The regulations in 7 CFR Part 2400 are hereby amended as follows:

1. Section 2400.13(b) is revised to read as follows:

§ 2400.13 Extensions of time and stenographic reporting of hearings.

(b) Hearings will be reported verbatim. Transcripts of the proceedings shall be made available by the Board to the Government attorney. Transcripts of the proceedings may be ordered at the hearing by appellant at actual cost of duplication (Pub. L. 92-463, October 6, 1972, 86 Stat. 770, 5 USC App. I). Transcripts of the proceedings shall also be available

to any person at actual cost of duplication.

2. Section 2400.14 is added to read as follows:

§ 2400.14 Pending cases.

The provisions of this Part 2400 are superseded by 7 CFR Part 24 as of the effective date thereof (September 25, 1974), except that pending cases before the Board of Contract Appeals under this Part 2400 shall be carried to final disposition thereunder unless the parties agree to transfer a case in accordance with 7 CFR Part 24.

Effective date: August 26, 1974.

Signed at Washington, D.C. on August 21, 1974.

EARL L. BUTZ,
Secretary.

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Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 211—ADMINISTRATION

Appeal Procedures and Miscellaneous Amendments

On May 21, 1974, the FEDERAL REGISTER (39 FR 17852) contained a notice that the Department of Agriculture proposed to amend the Appeal Regulation (36 CFR Part 211).

Interested parties were given until June 30, 1974, to submit data, views or recommendations pertaining to the proposal. The written comments filed in response to such notice have been carefully considered. A number of clarifications, modifications, and revisions suggested have been adopted. Due to a critical need to process an increasing caseload of appeals, it is not practicable to further extend the period for filing comments as some suggested.

Some suggested that the proposal be cancelled and existing appeal procedures be retained. It has been concluded that the need to simplify the administrative review process will be resolved by the no more than two-level review of policy and management actions and decisions in a rather informal nontechnical review by superior officers. The contract disputes will be handled by the Board of Contract Appeals on an efficient basis comparable to the handling of Class One cases now by the Board of Forest Appeals. Designation of full-time members to serve on the Board will result in expeditious handling of such cases in a formal legal proceeding.

As a result of the comments received, it was found necessary to add a new paragraph (h) which deals with decisions of subordinates to a contracting officer of the Forest Service as defined in the new § 24.10 of Title 7, CFR. These will be handled under the informal review procedure.

A common concern expressed by many persons was the need to clarify the jurisdiction of the Board of Contract Ap-

peals. This has been accomplished by language revisions in the companion docket establishing the jurisdiction of the Board. The Class Two appeals under present procedures involve policy and management questions affecting enjoyment of use under written instruments, for example, by a special use or grazing permittee. A change in user fees or the scope of grazing rights would not be subject to jurisdiction of the Board of Contract Appeals but rather would be appealable under the administrative review procedures.

A number of comments involved the number of days prescribed for filing a request for review with some favoring more than 45 days and other favoring 30 days. The filing period for appeals which fall within the jurisdiction of the Board of Contract Appeals is 30 days. The two should be consistent. Where administrative review of a Ranger's decision by the Forest Supervisor is involved, before a further appeal to the Board is permitted, there might be a problem of timely filing if the reviewing officer held that matter was a Board matter and questioned the filing after 30 days but within the 45 days proposed for administrative review. To avoid such problems, and to expedite final resolution, the filing period is changed to 30 days for administrative review cases. A sentence has been added to make it clear that additional time for filing the request for review will not be allowed. A paragraph (g) has been added to clarify when a paper is filed.

The two-level review proposed was the subject of comments that the Chief should have an opportunity to review a case after two levels below, at his discretion. This has some merit but the goal of speedy review by local Forest Officers would be adversely affected if a third level of review could be requested. As a practical matter, most significant disputes would involve an initial decision of a Forest Supervisor and the two-level review would include review by the Regional Forester and further review by the Chief.

The regulations are hereby amended as follows:

1. A new § 211.2 is added to Subpart A of Part 211 to read as follows:

§ 211.2 Review of decisions of Forest Officers other than those subject to appeal to the Board of Contract Appeals of the Department.

(a) Any person aggrieved by any administrative action or written decision of an officer of the Forest Service, other than an action or decision appealable to the Board of Contract Appeals of the Department of Agriculture under 7 CFR Part 24, may file with such officer a written request for reconsideration thereof or written request for administrative review, except where the relief sought is reformation of a contract, monetary damages, or where the decision involves personnel matters, or where the jurisdiction of another government agency, the Comptroller General or a

court supersedes that of the Department of Agriculture.

(b) An action or decision shall be final unless request for reconsideration or administrative review is filed within 30 days of the administrative action or receipt of the decision, whichever is later, or a stay is granted. Additional time for filing the request will not be allowed. The request shall identify the action or decision involved and, unless accompanied by a showing of an acceptable reason for allowing a longer time for preparation, shall state in detail the reasons why the action or decision is believed in error and the nature of the relief requested. Additional time for filing the supporting statement may be given by the Forest Officer.

(c) If a request for reconsideration of the Forest Officer's action or decision is filed, such Forest Officer may, in his discretion, grant a stay pending issuance of his decision on reconsideration. Reconsideration of an action or decision may be requested at any level, provided that only one reconsideration will be afforded at that level. A decision on reconsideration shall be made within 30 days of the action or decision. Such decision, like an initial one, is subject to administrative review. If a request for administrative review is filed, a request for stay may also be filed with the Forest Officer whose decision is subject to review. Such Forest Officer shall promptly transmit any request for stay for ruling to his immediate superior. The immediate superior may, in his discretion, grant or deny the request for stay and shall notify the Forest Officer and the person requesting the stay as promptly as possible of his ruling which ruling shall not be subject to further review.

(d) Upon receipt of a timely request for administrative review and supporting statement, the Forest Officer shall promptly prepare his own statement presenting the facts and considerations upon which his administrative action or decision was based. He shall furnish a copy to the person aggrieved and afford that person an opportunity to comment in writing. The statements, together with all papers comprising the record in the matter, shall then be transmitted to the reviewing officer. The record at all levels of review shall be available to the aggrieved person for inspection and copying. Any person who may be ad-

versely affected by a modification or reversal of a decision under review may at any time before decision file with the reviewing officer a written statement setting forth his position on the matter.

(e) The reviewing officer will be the immediate superior within the Forest Service, e.g., Ranger—Forest Supervisor; Forest Supervisor—Regional Forester; Regional Forester—Chief; of the officer whose action or decision is being reviewed except that the first level of review shall not be below that of Forest Supervisor and original actions or decisions of the Chief of the Forest Service may be reviewed by the Secretary at his discretion. There shall be no more than two levels of review under this section. The reviewing officer shall review the record submitted with the request for review and send his written decision to the aggrieved party or parties and the subordinate officer within 30 days of receipt of the request and record, provided, however, that more than 30 days for review and decision is permissible where additional information is to be obtained to complete the record upon which the decision is to be made or there is to be an oral presentation. The aggrieved party may, within 15 days after filing his request for review or his supporting statement, whichever is later, file a request with the Forest Officer whose action or decision is to be reviewed or with the reviewing Forest Officer requesting an opportunity to present his views orally. If an oral presentation is requested or deemed desirable by the Reviewing Officer, he shall arrange for an informal oral presentation before him or his designee. In any such case, there shall be included in the written record a summary of the oral presentation and any documentary evidence received at the presentation.

(f) Decisions at the second level of review, Chief's decisions on review of original decisions of Regional Foresters, or original actions or decisions of the Chief unless reviewed by the Secretary, shall constitute final administrative determinations of the Department of Agriculture.

(g) Any paper filed pursuant to this section shall be deemed to have been filed when it is postmarked or when it is received if other than the United States mails are used to accomplish delivery. If the date of mailing cannot be determined from the postmark, other

evidence of mailing may be required by the Forest Officer. Saturdays, Sundays, and Federal holidays shall be included in computing the time allowed for filing, but when such time expires on a Saturday, Sunday, or Federal holiday, the time shall be extended to include the next following business day.

(h) A decision of a subordinate to a contracting officer of the Forest Service as defined in 7 CFR 24.10(d) on a contractual matter appealable to the Board of Contract Appeals under 7 CFR 24.4(e) shall be subject to review by such contracting officer within the time limitations and in accordance with the procedures of paragraphs (b), (c), (d), and (e) of this section applicable to a one level review.

2. Section 211.23(a) of Subpart B of Part 211 is amended by adding the following language at the end thereof:

§ 211.23 Composition of the Board; lack of prosecution.

(a) * * * Notwithstanding the foregoing, the regular member and the alternate member required to be designated from the Office of the General Counsel may also be designated from regular employees of the Department of Agriculture who are attorneys and members of the Board of Contract Appeals of the Department of Agriculture.

3. Section 211.37 of Subpart B of Part 211 is revised to read as follows:

§ 211.37 Continuance of appeals.

Pending cases. The provisions of §§ 211.20 to 211.37 and the Rules of Procedure of the Board of Forest Appeals (36 CFR 211.101 to 211.119) shall remain in effect for cases pending on the effective date of 7 CFR Part 24 (September 25, 1974) except that pending cases before the Board of Forest Appeals in Class One which fall within the jurisdiction of the Board of Contract Appeals under 7 CFR Part 24 may be transferred thereunder upon agreement of the parties in accordance with 7 CFR Part 24.

Effective date. These provisions shall take effect on September 25, 1974.

Signed at Washington, D.C., on August 21, 1974.

EARL L. BUTZ,
Secretary.

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PART V



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

CONTRACT APPEALS

Board of Contract Appeals
and Rules of Board

Title 24—Housing and Urban Development
SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-285]

PART 20—CONTRACT APPEALS

Board of Contract Appeals and Rules of Board

Pursuant to 7(d) of the Department of Housing and Urban Development Act, 42 USC 3535(7)(d) and the standard Dispute Clauses of Government Contracts, HUD is establishing an objective, independent, and impartial administrative forum within the Department to handle and resolve contractual controversies. Since the Department has cases pending which require a forum immediately, public comment and procedure are impracticable and contrary to the public interest and, since the policies and procedures set forth in this Part generally reflect existing and relatively standard policies and procedures for other Boards of Contract Appeals, this part shall be effective August 20, 1974.

HUD promulgates these interim policies and procedures confident that their implementation will effect a marked improvement in the orderly process of Government Contracting. The goals which HUD desires to achieve are a speedy, economical and just resolution of all contract controversies. However, because the Department invites public participation in its rulemaking proceedings (24 CFR Part 10), comments with respect to this Part 20 are requested in writing, original and three copies to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All communications received by September 30, 1974, will be considered before issuing a final rule. The interim policies and procedures contained in this notice may be changed in light of comments received. A copy of each submission will be available for public inspection during business hours at the above address.

Accordingly, Title 24 is amended by adding new Part 20 as follows:

Subpart A—Department of Housing and Urban Development Board of Contract Appeals

- Sec.
 20.1 Scope of part.
 20.2 Organization of the Board.
 20.3 Membership of the Board.
 20.4 Authority and jurisdiction of the Board.
 20.5 Rules.

Subpart B—Rules of the Department of Housing and Urban Development Board of Contract Appeals

- 20.10 Notice of appeal.
 20.20 Pleadings.
 20.30 Motions.
 20.40 Discovery.
 20.50 Hearing.

Subpart A—Department of Housing and Urban Development Board of Contract Appeals

§ 20.1 Purpose of this part.

This part sets forth policies and procedures regarding matters to be con-

sidered by a Board of Contract Appeals, and prescribes the rules of the Board.

§ 20.2 Organization of the Board.

There is hereby established in the Office of the Secretary a Board of Contract Appeals (the Board).

§ 20.3 Membership of the Board.

The Board shall consist of a Chairman who shall be a Department of Housing and Urban Development (HUD) employee and such other members as may be designated to assist the Chairman as needed to hear, consider, and determine appeals as stated in § 20.4. A member, other than the Chairman, assigned to an appeal may be either an employee of HUD (or another Government agency serving on a detail) or a special Government employee. The Board shall be appointed by the Secretary and shall be responsible directly and solely to the Secretary or his designee. The Board members may not perform duties inconsistent with their duties and responsibilities as Board members.

§ 20.4 Authority and jurisdiction of the Board.

The Board shall have the following power and authority and shall exercise the following jurisdiction:

(a) *General.* Except as stated in paragraph (b) of this section, the Board shall hear, consider, and determine appeals from decisions of contracting officers arising under or growing out of or in connection with the administration or performance of contracts entered into by HUD, and as otherwise authorized by the Secretary. The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Secretary himself.

(b) *Secretary's decision.* The Secretary reserves the right to direct, prior to any submission or hearing, that the authority of the Board shall not be exercised where he may desire or be required to render a decision on a matter in dispute. In such instances, the Secretary may request the Board to submit findings and recommendations.

(c) *Board powers.* The Board shall have all powers necessary and incident to the proper performance of its duties assigned herein. Subject to the approval of the Secretary, the Board shall adopt its own methods of procedure and rules and regulations for its conduct and for the preparation and prosecution of appeals.

(d) *Final decision.* In each case, the Board shall make a final decision which is impartial, fair, and just to the parties and is supported by the record of the case and the law. The member or members assigned to consider an appeal have authority to act for the Board in all matters with respect to such appeal. No member may act for the Board or participate in a decision if he has participated directly in any aspect of the award or administration of the contract involved. There shall be no communication between any party to an appeal and a Board member or Board employee concerning the merits

of the appeal, unless such communication (if written) is also furnished to the other party to the appeal or (if oral) is made in the presence of the other party. The Board also shall exercise care to avoid receiving, except as part of the formally established appeal record, any information having a substantial bearing upon an appeal from persons who do not represent a party in the appeal, but nonetheless have an interest in the decision to be rendered.

§ 20.5 Applicability of procedural rules.

Appeals referred to the Board will be handled in accordance with the rules of the Board. The provisions of 60 Stat. 237, formerly the Administrative Procedure Act, 5 U.S.C. 551-559, are inapplicable to proceedings before the Board. The Board rules will be interpreted so as to secure a just, speedy, and inexpensive determination of appeals without unnecessary delay.

(a) *Time extensions.* Each time limit specified shall be a maximum and a party shall make every reasonable effort to accomplish the action described in a shorter period. The Board may extend any time limitation only upon a showing of good cause therefor.

(b) *Computation of time.* Except as otherwise provided by law, in computing any period of time prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(c) *Service of documents.* Except where the Board rules specifically provide for service of documents by the Board, all motions, answers, briefs, notices, and all other papers filed with the Board shall be served by the filing party on the opposing party. Service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy of the document to the opposing party or its counsel. There shall be attached to the original of each document filed with the Board a certificate of service signed by the filing party stating that service has been made.

Subpart B—Rules of the Department of Housing and Urban Development Board of Contract Appeals

§ 20.10 Notice of appeal.

(a) *Filing.* The original Notice of Appeal together with two copies, addressed to the Secretary, shall be filed with the officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or as allowed by applicable provision of directive or law.

(b) *Contents.* A Notice of Appeal shall indicate that an appeal is thereby intended, identify the decision, and the date thereof, from which the appeal is taken and the HUD service or staff office cognizant of the dispute, and furnish the

number of the contract in dispute. The notice of appeal shall be signed personally by the appellant or by an officer of the appellant corporation, or member of the appellant firm, or by the appellant's duly authorized representative or attorney. The complaint referred to in § 20.20 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

(c) *Forwarding and acknowledgment of appeals.* When a notice of appeal in any form has been received by the officer from whose decision the appeal is taken, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 5 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the appellant will be promptly advised of its receipt and will be furnished a copy of these rules. The Board will simultaneously transmit copies of appropriate documents to the contracting officer, the HUD service or staff office concerned, and the HUD Office of the General Counsel (OGC).

(d) *Duties of the contracting officer.* Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Board and to OGC copies of all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken, and the letter or letters of other documents of claim in response to which the decision was issued;

(2) The contract, and pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties pertaining to the claim and other data pertinent to the appeal;

(4) Transcripts of any testimony and any exhibits taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(5) Such additional information as may be considered material.

Upon completion of the foregoing compilation, the contracting officer shall notify the appellant, provide him with a listing of its contents, and afford him an opportunity to examine the complete compilation at the office of the contracting officer, or at the office of the Board for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. Following receipt of the foregoing compilation, as it may be augmented at the time of receipt, the Board will promptly advise the parties.

§ 20.20 Pleadings.

(a) *Complaint.* Unless he elects to have an appeal considered on the record,

the appellant shall within 30 days after receipt of notice of docketing of the appeal, file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Board shall serve a copy upon the OGC. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the OGC shall be so notified.

(b) *Answer.* Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, OGC shall file with the Board an original and two copies of an Answer thereto, setting forth simple, concise, and direct statements of HUD's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. If the answer is not filed within 30 days, the Board may, in its discretion, enter a general denial on behalf of HUD, and the appellant shall be so notified.

(c) *Amendments of pleadings or record.* (1) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(2) The Board, may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 20.10 (d) are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entertained, but are not required. If evidence is objected to at a hearing solely on the ground that it is not within the issues raised by the § 20.10 (d) documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted, provided, however, that the objecting party may be granted a continuance if necessary to enable him to respond to such evidence.

§ 20.30 Motions.

(a) *General.* The Board may entertain any timely motion:

(1) For extension of time or to cure defaults;

(2) To require that a pleading be made more definite and certain, or for leave to amend a pleading;

(3) To dismiss a claim for lack of jurisdiction; to dismiss a claim for failure to prosecute; or to grant summary relief;

(4) For resolution of disputed discovery matters;

(5) To grant the appeal for failure of the Government to prosecute its defense;

(6) To reopen a hearing; or to reconsider a decision; or

(7) For any other appropriate order.

The Board may, on its own motion, initiate any such action by notice to the parties. Unless otherwise specified by the Board, a party who receives a motion shall file any answering material within 20 days after the date of receipt. The Board may require the presentation of briefs or arguments. The Board shall make an order on each motion that is appropriate and just to the parties, and upon conditions that will promote efficiency in disposing of the appeal. Motions to reconsider a decision must be made within 30 days after the date of receipt of the decision.

(b) *For summary decision.* (1) Any party may, after commencement of the proceeding and at least 30 days before the date fixed for the hearing, move with or without supporting affidavits for a summary decision in his favor of all or any part of the proceeding. Any other party may, within 15 days after service of the motion, serve opposing affidavits or countermove for summary decision.

(2) The Board may grant such motion if the pleadings, affidavits, material obtained by discovery or otherwise, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is entitled to summary decision.

(3) Affidavits shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matters stated therein. When a motion for summary decision is made and supported as provided in this rule, a party opposing the motion may not rest upon the mere allegations or denials of his pleading; his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue of fact for the hearing.

(4) Should it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the Board may deny the motion for summary decision or may order a continuance to permit affidavits to be obtained or discovery to be had or may make such other order as is just.

§ 20.40 Discovery.

(a) *General.* (1) Schedules and time periods for the parties to pursue the means of discovery each may select will be established by the Board with due consideration to the regular order of appeals, to the desires of the parties, to the requirement for just, speedy, and inexpensive determination of appeals without unnecessary delay, and to other pertinent factors.

(2) Subject to the provisions of paragraphs (c), (d), (e), and (f) of this section, any party upon giving reasonable notice to the other party may pursue such discovery as it selects for purposes

of obtaining relevant, unprivileged information or evidence.

(3) Upon motion by a party or person from whom discovery is sought, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(4) In the absence of agreement between the parties as to the time, place, and manner of obtaining discovery, discovery shall be governed by those terms and conditions which the Board may order.

(b) *Prehearing or presubmission conference.* The Board may upon its own initiative or upon application of either party, call upon the parties to appear before a member of the Board for a conference to consider:

(1) The simplification or clarification of the issues;

(2) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, or avoidance of other cumulative evidence, if the case is to be heard;

(4) The possibility of agreement disposing of all or any of the issues in dispute;

(5) The exchange of exhibits and lists of witnesses;

(6) Such other matters as may aid in the disposition of the appeal. The results of the conference shall be reduced to writing by the Board and this writing shall thereafter constitute part of the record. Additional conferences may be held at the discretion of the Board.

(c) *Depositions.* (1) After an appeal has been docketed, the Board may order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for discovery. In order to avoid undue expense and delay, requests for the taking of depositions will not be routinely granted and will require a substantial showing of good cause.

(2) No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

(3) All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition only upon paying therefor.

(d) *Interrogatories to parties.* After an appeal has been docketed either party may serve written interrogatories upon the opposing party to be answered fully and separately in writing under oath and to be returned within 15 days of receipt thereof.

(e) *Inspection of documents.* After an appeal has been docketed either party may request a party to produce and permit inspection and copying or photographing of designated documents relevant to the appeal.

(f) *Admission of facts.* After an appeal has been docketed either party may serve on the opposing party a request for admission of facts to be answered fully and separately in writing, under oath and to be returned within 15 days of receipt thereof.

§ 20.50 Hearing.

(a) *Election.* Upon receipt of respondent's answer or the notice referred to in the last sentence of § 20.20(b) above, appellant shall advise the Board whether he desires a hearing, as prescribed herein or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in § 20.50(c).

(b) *Pre-hearing briefs.* Based on an examination of the documentation described in § 20.10(d), the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit pre-hearing briefs in any case in which a hearing has been elected pursuant to § 20.50(a). In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a pre-hearing brief to the Board. In any case where a pre-hearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party.

(c) *Submission without a hearing.* Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to § 20.50(d). In the event of such election to submit, the submission may be supplemented by oral argument (transcribed if requested), or briefs, or both, in accordance with § 20.50(1). Where neither party desires a hearing, and the Board does not require one, the Board's decision will be based upon the available record as furnished by the parties.

(d) *Settling of the record.* (1) A case submitted on the record pursuant to § 20.50(d) shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party, upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board

upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board.

(2) The Board record shall consist of documentation described in § 20.10 and any additional material, pleadings, pre-hearing briefs, record of pre-hearing or pre-submission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and post-hearing briefs, as may thereafter be developed pursuant to these rules.

(3) This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience prior arrangements for inspection of the file should be made with the Board. Copies of material in the record may, if practicable, be furnished to a party at the cost of reproduction.

(e) *Notice of hearings; where and when held.* Hearings will ordinarily be held in Washington, D.C., except that upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals, to the desires of the parties, to the requirement for just, speedy, and inexpensive determination of appeals without unnecessary delay, and to other pertinent factors. The parties shall be given at least 15 days notice of the time and place set for hearings. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted his case upon the Board record as provided in § 20.50(c).

(f) *Unexcused absence of a party.* The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 20.50(c).

(g) *Nature of hearings.* Hearings will be as informal as reasonably permissible, and will seek to provide the Board with the pertinent facts and the positions of the parties as a basis for the Board's decision or recommendation. The parties may offer such relevant evidence or argument as they deem appropriate, subject, however, to the exercise of reasonable discretion by the presiding member of the Board in supervising the extent and manner of presenting such evidence. In general, admissibility will hinge on relevancy and materiality. The weight to be attached to any stipulations or evidence presented will be determined by the Board. The Board may in any case require evidence in addition to that offered by the parties.

(h) *Examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member shall otherwise order. If the testimony of a witness is not given under

oath the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(i) *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

(j) *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof

or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

(k) *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any party thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

(l) *Post-hearing submissions.* Unless otherwise directed by the Board, the parties will submit simultaneous briefs within 30 days of the receipt of the transcript, and reply briefs within 15 days of the initial briefs.

(m) *Decisions.* Decisions of the Board will be made in writing and shall be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions will be open for public

inspection at the offices of the Board in Washington, D.C. Decisions of the Board will be made upon the record.

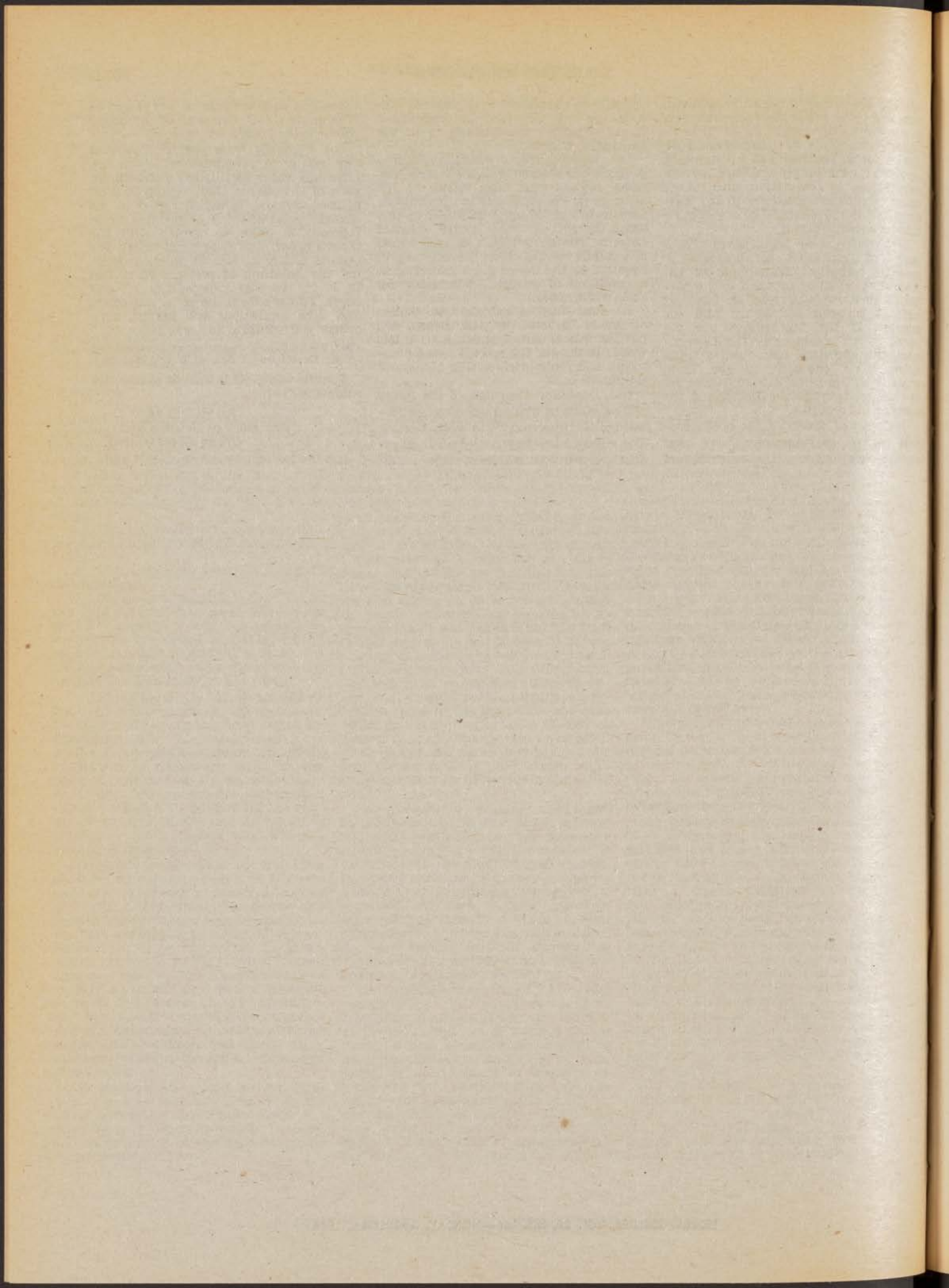
(n) *Remands from courts.* Whenever any matter is remanded to the Board from any court for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board, recommending procedures to be followed in order to comply with the court's order. The Board will review the reports and enter special orders governing the handling of matters remanded to it for further proceedings by any court. To the extent the court's directive and time limitations will permit, such orders will conform to these rules.

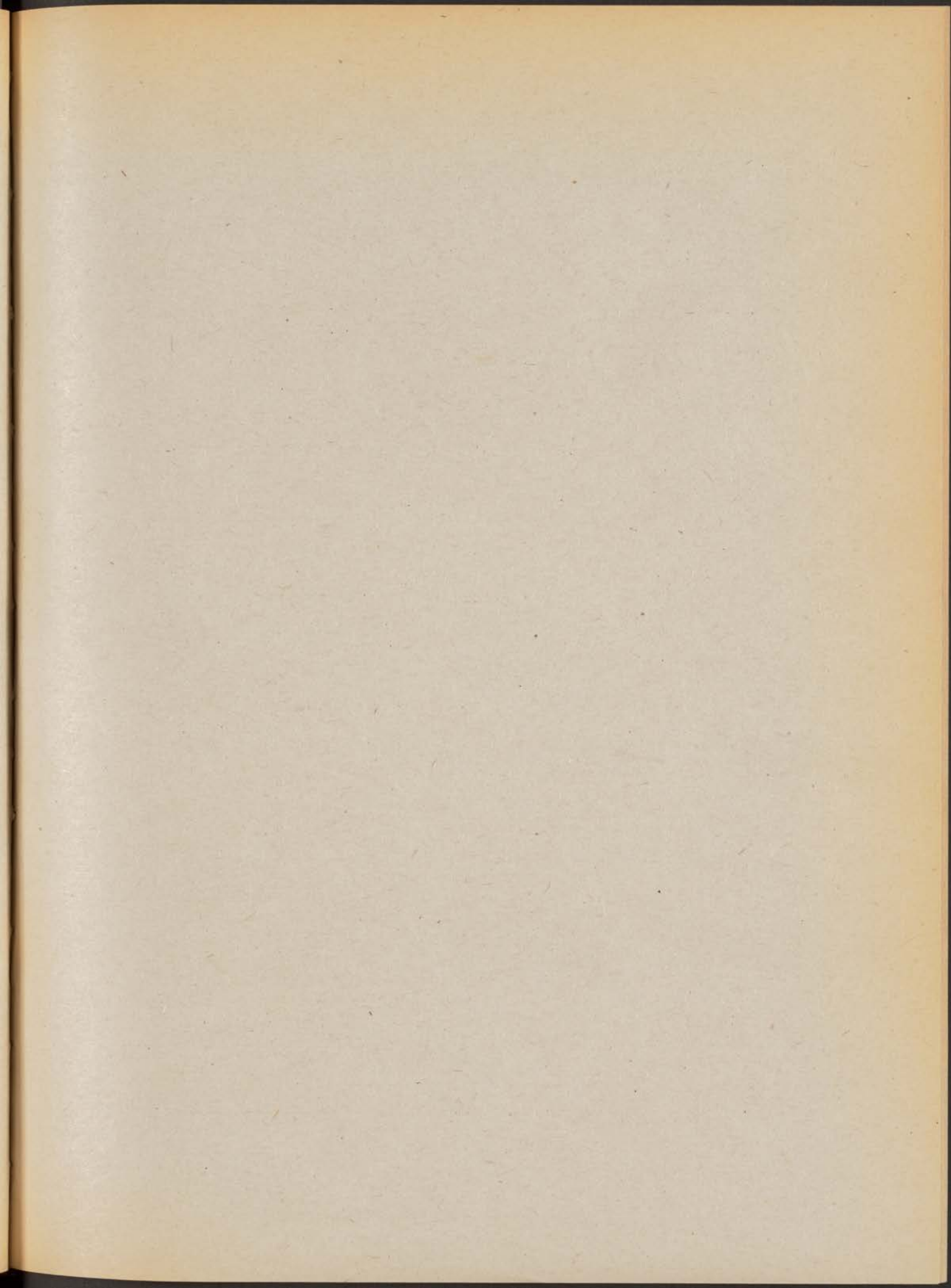
(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

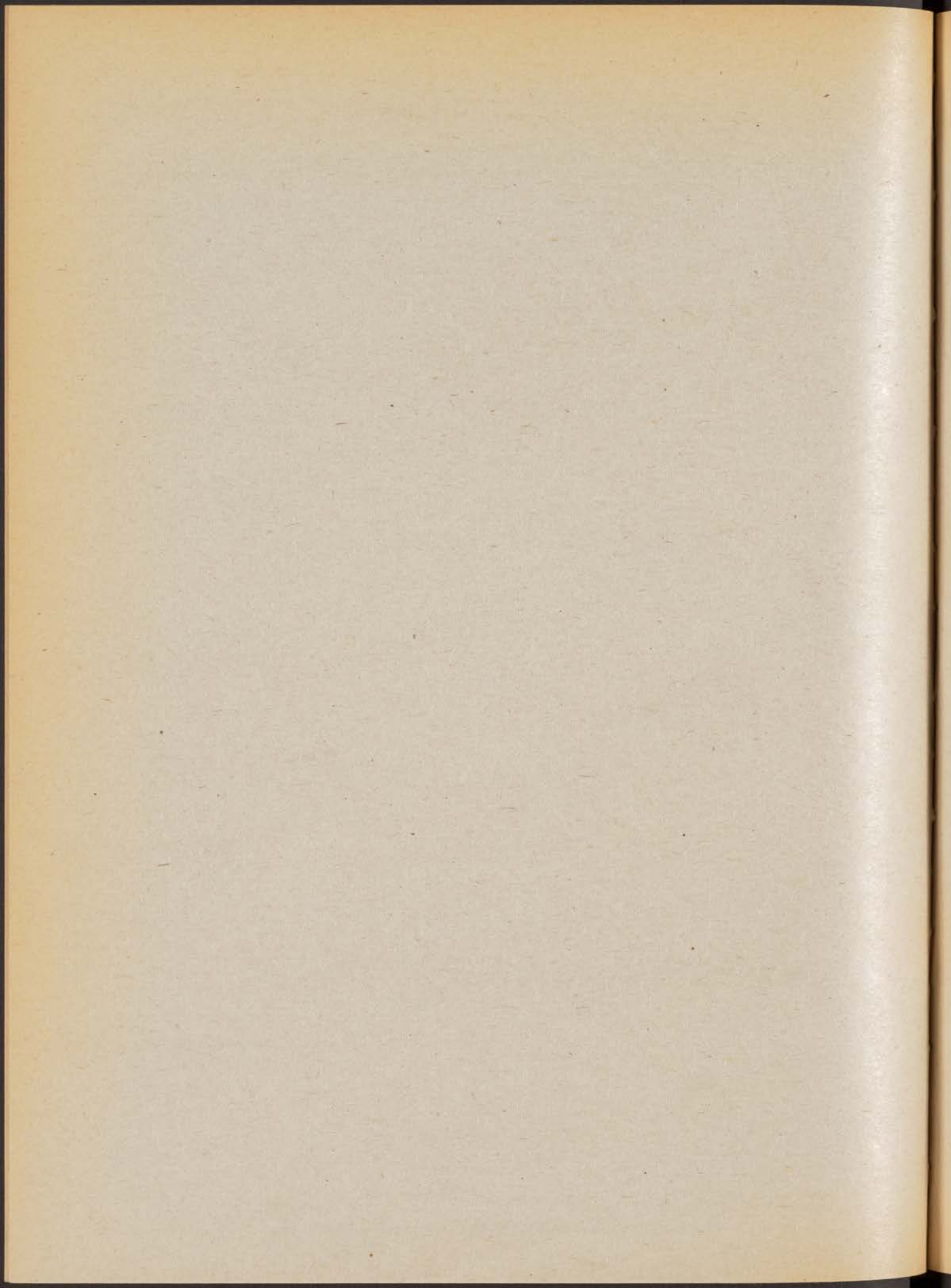
Effective date. This Part 20 is effective August 26, 1974.

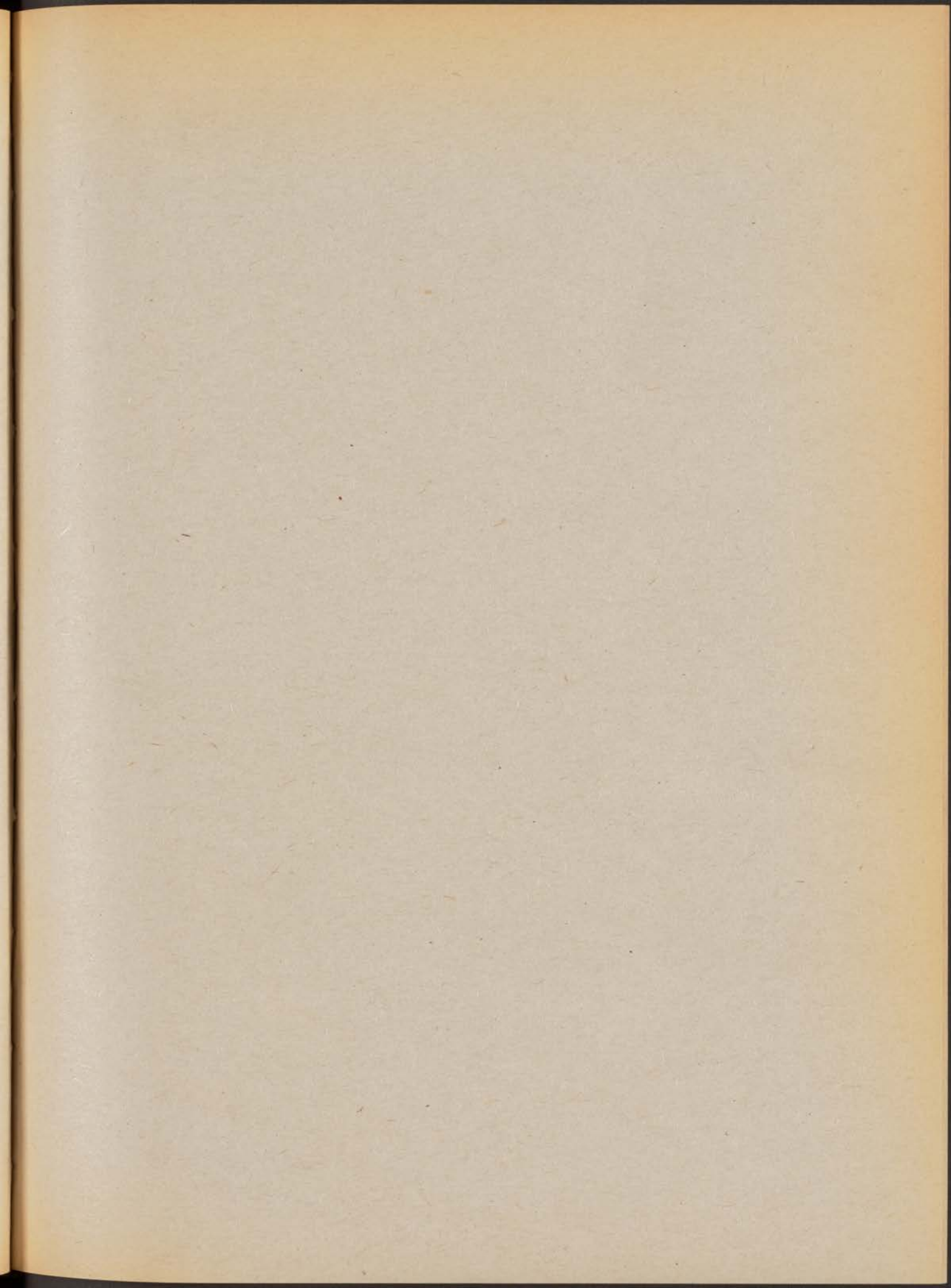
JAMES T. LYNN,
Secretary of Housing and
Urban Development.

[FR Doc.74-19616 Filed 8-23-74; 8:45 am]









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